

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19603 of 2015

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Nand Kishor Thakur

.... Petitioner/s

Versus

Satya Deo Singh

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 18-07-2016 Heard the learned counsel, Mr. Dhananjay Mishra for the
petitioner.

Perused the order dated 01.09.2015 passed by A.D.J. I, Saran at Chapra in Misc. Appeal No.6 of 2007 whereby the Court below has dismissed the appeal and confirmed the order dated 10.10.2006 passed by the learned Munsif II, Saran at Chapra in Title Suit No.3 of 2006 whereby the Court below has allowed the injunction application filed by the plaintiff-respondent.

From perusal of the order, it appears that during the hearing of the injunction application, Pleader Commissioner was appointed. The Pleader Commissioner submitted a report wherein the Pleader Commissioner has reported the fact that there is a *Rasta* and now the defendant is trying to obstruct the *Rasta* and in fact, the Pleader Commissioner found some part of the same already obstructed. Considering this aspect of the matter, both the

Courts below concurrently held that three ingredients for the grant of injunction is in favour of the plaintiff and accordingly, both the Courts below have granted the injunction.

In such view of the matter, in supervisory jurisdiction, this Court cannot take another view on the same set of facts. I therefore, find no reason to interfere with the impugned order passed by the trial court as well as the appellate court.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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