

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3472 of 2016

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Debi Mukhiya @ Devi Mukhiya

.... Petitioner/s

Versus

Panch Lal Mukhiya & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Atif Inam

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 18-07-2016 Heard the learned counsel, Mr. Atif Inam, for the petitioner.

It appears that injunction application was filed by the plaintiff respondent for restraining the defendant from cutting away the standing trees over the suit land and making further construction over the year. The trial Court after hearing the parties and on perusal of the pleadings and materials recorded clear finding that the plaintiff has got no prima facie case nor balance of convenience in his favour nor the plaintiff shall suffer serious loss and irreparably injury. The injunction application was thus rejected. Against the said order, Misc. Appeal was filed before the lower appellate Court. The lower appellate Court after hearing the parties by the impugned order dated 3.10.2015 dismissed the Appeal. The lower appellate Court also held that the plaintiff has got no prima facie case.

It appears that both the Courts below have passed the

order according to law. It is not the case of the petitioner that the order passed by both the Courts below suffers from any jurisdictional error or that irrational order has been passed.

In view of the above concurrent finding of both the Courts below, which is based on the pleadings of the parties and admitted facts, this Court cannot interfere with the impugned order in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

Thus, I find no reason to interfere with the impugned order and, therefore this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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