

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6345 of 2015

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The Bihar State Road Development Corporation Ltd. & Ors

.... Petitioner/s

Versus

That M/s Patel Engineering Ltd. & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikas Kumar

For the Respondent/s : Mr. Satya Prakashtripathy

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

3 06-04-2016 Heard learned counsel for the petitioners and learned
counsel Mr. Satya Prakash Tripathy for the Canara Bank.

The petitioners are challenging the order dated 25.08.2014 passed by Subordinate Judge-I, In-charge, Patna in Title Suit No.5596 of 2014 whereby the court below admitted the plaint and directed the plaintiff-respondent to file the requisites for issuance of summons and in the meantime on the injunction application directed for interim injunction. The petitioners instead of appearing before the court below have filed directly the writ application before this Court.

Since the order is interim injunction order, therefore, if at all the petitioners are aggrieved, the statutory remedy is available under Order 43 Rule 1(r) of the Code of Civil Procedure and, therefore, they are not entitled to invoke the constitutional power under Article 227 of the Constitution of India. Further it

appears that the petitioners have already filed an application for vacating injunction order which is still pending. Therefore, the application under Article 227 is not maintainable. The petitioners may press the matter before the court below and if the court is vacant they may approach District Judge, if at all it is urgent.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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