

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.198 of 2016**

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Chulhai Ram

.... Appellant/s

Versus

Amit Raj Anand & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Tarun Prasad Mandal

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 22-06-2016

Heard learned counsel Mr. Mukesh Kumar Jha for the
petitioner.

It appears that the plaintiffs-respondents filed Title Suit No.81 of 2014 for declaration of title and confirmation of possession over the suit property and for cancellation of the sale deed of the year 1988. In the said suit injunction application was filed by the plaintiffs praying for restraining the present petitioner from making any construction on the suit property. The trial court rejected the injunction application. Against the said order the plaintiffs filed appeal before the lower appellate court. The lower appellate court perused some material produced before it to the effect that in fact the sale deed was in favour of the college which is an independent institution. The defendant-petitioner got his name mutated in place of the college and is now constructing on the suit property. Considering all these aspects of the matter the

lower appellate court referred to the decision of this Court also and then came to the conclusion that the court below has wrongly rejected injunction application. Therefore, the lower appellate court recorded finding that the plaintiffs have got prima facie case and shall suffer serious loss and irreparable injury and accordingly has granted the injunction.

In such view of the matter, I find no reason to interfere with the impugned order passed by the court below. Accordingly, this application is dismissed.

(Mungeshwar Sahoo, J)

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