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IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.651 of 2016

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Damodar Singh

.... Appellant/s

Versus

Naresh Singh

.... Respondent/s

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Appearance :
For the Appellant/s : Mr. Pankaj Kumar
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

2 21-09-2016 Heard learned counsel Mr. Pankaj Kumar for the petitioner.

Perused the order passed by the lower appellate court dated 07.04.2016 in Miscellaneous Appeal No.04 of 2015 passed by District Judge, Nawada and the order dated 06.06.2015 passed by Subordinate Judge-I, Nawada in Title Suit No.152 of 2013 whereby both the courts below have rejected the injunction application filed by the plaintiff-petitioner.

From perusal of the orders, it appears that the petitioner filed the injunction application praying for restraining the defendant from transferring/alienating the suit property during the pendency of the suit. The trial court clearly recorded finding that since after one year also nothing has been brought on record to show that even the defendant is trying to sale the property. Both the courts below clearly recorded finding that there is no prima

facie case. According to the defendant, the suit property is the joint family property and he has also got share and is in possession of the same.

In view of the above finding recorded by both the courts below that the plaintiff has got no prima facie case nor balance of convenience is in his favour nor there is anything to prove that the defendant is even trying to transfer the property, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Thus, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Harish/-

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