

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14017 of 2014

=====

Laxmi Kumari Singh daughter of Late Narsing Singh Resident of Village -
Galgalia, Police Station & P.O. Galgalia, District - Kishanganj

.... Petitioner/s

Versus

1. Karuna Kumari Singh
2. Aruna Kumari Singh Both daughter of Late Narsing Singh Resident of Village
/ Post/ Police Station Galgalia, District - Kishanganj

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 20-10-2016

Heard learned counsel for the petitioner.

The defendant is the petitioner in this application under Article 227 of the Constitution of India and is aggrieved by the impugned order passed by the appellate court below reversing the order of injunction passed in favour of the defendant.

It is not the case of the petitioner that the appellate court below has not considered the facts and circumstances of the case as well as the submissions on behalf of the parties including the petitioner. It further appears that the prayer for injunction was made by the defendant for restraining the plaintiff from disturbing the possession of the tenant in the suit premises on the ground that the suit premises i.e. a market place on the plea that it exclusively belonged to



the defendant-petitioner. The appellate court below has come to the conclusion that the said issue regarding the exclusive title of the defendant-petitioner is still to be decided in the suit on the basis of evidence to be adduced by the parties. It has been further found that the order of the trial court in favour of the defendant-petitioner was based upon presumption of fact situation which was not readily apparent from the facts and circumstances as well as the pleadings of the parties. After holding that the ingredients for grant of injunction are not in favour of the defendant-petitioner (respondent therein), the appellate court below has allowed the appeal and reversed the order passed by the trial court. It is apparent from the impugned order that the conclusions have been recorded by the appellate court below after considering the facts and circumstances of the case and this Court has not been persuaded to find perversity or unreasonableness in the same.

This Court, therefore, is not inclined to invoke the jurisdiction under Article 227 of the Constitution of India to interdict the impugned order.

The present application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

U			
---	--	--	--

