

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5351 of 2016

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Murlidhar Tiwari

.... Petitioner/s

Versus

Sarojani Nayadu Tiwari

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 25-07-2016

Heard learned counsel, Mr. Gopal Govind Mishra,
appearing for the petitioner.

2. Perused the order dated 29.01.2016 passed by the
learned Sub-Judge, Jadishpur, Bhojpur in Title Partition No. 405
of 2011.

3. It appears that the plaintiff-petitioner filed the
application before the court below under Section 151 C.P.C.
praying for permission to sell 1/3rd share of Khata No. 83, Khesra
Nos. 107 and 108 area 12.5 decimal of the suit property. The court
below by the impugned order has rejected the said application.

4. Admittedly, injunction order is there. The application
has been filed by the plaintiff-petitioner for permission to sell this
property on the ground that there is emergency. Except this, there
is nothing in his application. What is that emergency is not
explained anywhere.

5. In such view of the matter, in my opinion, the learned court below has rightly exercised the inherent jurisdiction under Section 151 C.P.C. This Court in exercise of another supervisory jurisdiction, which is of the same nature, cannot substitute its own finding. Therefore, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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