

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2517 of 2016

In
MA 483 of 2014

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Daroga Sah & Anr

.... Petitioner/s

Versus

Devnath Sah & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajeet Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 13-07-2016 Heard learned counsel, Mr. Ajeet Singh, for the
petitioners.

Perused the order dated 24.06.2014 passed by the
learned Additional District Judge, Siwan in Misc. Appeal No. 18
of 2011 whereby the learned appellate court has dismissed
miscellaneous appeal and thereby confirmed the order dated
05.08.2011 passed by the trial court in Title Suit No.88 of 2011
rejecting the injunction application.

It appears that the suit was filed by the plaintiffs-
petitioners for declaration of title and confirmation of possession.
In the suit, a prayer has already been made for permanent
injunction restraining the defendants from forcefully dispossessing
the petitioners and selling the suit property. The trial court
dismissed the injunction application. The petitioners then filed

M.A.No. 18 of 2011. The learned appellate court by the impugned order held that the plaintiffs have got no prima facie as to whether balance of convenience is in their favour. The court below has also held that both the parties are claiming possession over the suit property and accordingly dismissed the miscellaneous appeal.

In view of the above fact that both the courts below have rejected the injunction prayed by the petitioners, there is no question of interfering with the impugned order in exercise of supervisory jurisdiction under Article 227 of the Constitution arises as this court is not exercising any appellate jurisdiction and for the purpose of supervising the impugned order this court cannot take another view in the facts and circumstances of the case.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

singh/-

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