

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13823 of 2014

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1. Smt. Priyaka Kumar wife of Sri Manoj Kumar and daughter of late Shrikrishna Lall, resident of 'Manoram', East Boring Canal Road, Police Station- Buddha Colony, town and District- Patna

.... Petitioner/s

Versus

1. Ajay Prasad son of late Chamru Lall, resident of Satya Narayan Building, Exhibition Road, Police Station- Gandhi Maidan, town and District- Patna

2. Giridhari Prasad son of late Chamru Lall, resident of Mohalla- Thatheri Bazar, Police Station- Pirbahore, town and District- Patna

3. Murari Lall son of late Chamru Lall, resident of Mohalla- Khajanchi Road, Police Station- Pirbahore, town and District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyanand Roy, Adv

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 28-09-2016

Heard Mr. Gyanand Roy, learned counsel appearing for the petitioner.

The present application has been filed assailing the impugned order passed by the appellate court in injunction matter affirming the refusal of injunction by the trial court, as prayed by the plaintiff-petitioner.

In view of the principle as laid down by the Apex Court

in the case of *Managing Director (MIG) Hindustan Aeronautics Ltd., Balanagar v. Ajit Prasad Tarway, AIR 1973 SC 76* and *Municipal Corporation of Delhi v. Suresh Chandra Jaipuria, AIR 1976 SC 2621*, this Court comes to the conclusion that as both the courts below have concurrently found that the petitioner has got no prima facie case in his favour, the said finding cannot be interfered with by invoking the jurisdiction under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	