

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18619 of 2015

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1. Md. Ali S/o Late Jumman Miya resident of Village - Mallah Chakiya,
P.S. - Buxar (M), District : Buxar.

.... Petitioner/s

Versus

1. Kamaluddin Miya Son of Jamaluddin Miya resident of Village - Mallah
Chakiya, P.S. - Buxar (M), District : Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 15-02-2016

Heard learned counsel for the petitioner.

Both the court below allowed the application filed by the plaintiff-respondent under Order 39 Rule 1 and 2 of the C.P.C. on the ground that at the time of hearing of the injunction application, the learned counsels for the parties agreed before the court below that they are not desirous of selling any part of the property, therefore, if status quo order is passed, they have no grievance.

The learned counsel for the petitioner submitted that it was the submission of the learned counsel appearing on behalf of the respondent No. 1 only and not on behalf of these petitioners. So far this submission of the learned counsel is concerned, this cannot be the subject matter of a writ jurisdiction under Article

227 of the Constitution of India. Since both the courts below found that it was submitted before the court that they have no grievance if status quo order is passed, therefore, this finding recorded by both the court below cannot be interfered with in supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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