

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5827 of 2014

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Ajay Kumar & Anr

.... Petitioner/s

Versus

Kafil Ahmad & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 29-01-2016

Heard the learned counsel for the petitioners.

This application under Article 227 of the Constitution of India has been filed by the plaintiffs-petitioners challenging the order passed by the lower appellate Court in an appeal arising out of injunction matter.

It appears that the plaintiffs-petitioners filed the aforesaid suit for declaration of title and cancellation of registered sale deed said to have been accepted in favour of the defendants and further prayed for non-title of the defendants. The defendants appeared and filed contesting written statement denying the title of the plaintiff and stated that in fact, after two registered sale deeds, the defendants are coming in possession of the suit property.

The petitioners thereafter filed application under Order 39 Rules 1 and 2 of the C.P.C. praying for restraining the defendants from dispossessing the plaintiffs and also alienating the

suit property. Rejoinder was filed. The defendants claimed that they are in possession of the property. The trial Court on the basis of the material held that prima facie the plaintiff failed to prove his possession and the defendants are claiming possession and title on the basis of registered sale deed which is being now sought to be cancelled in the suit itself and, therefore, rejected the injunction application. The appellate Court confirmed the said order passed by the trial Court.

In such view of the matter, in supervisory jurisdiction under Article 227 of the Constitution, the orders passed by the Court below, which are concurrent, cannot be interfered with.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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