

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8443 of 2015

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Jageshwar Sah

.... Petitioner/s

Versus

Sadhu Sharan Singh

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratan Kumar Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 21-04-2016

Heard learned counsel, Mr. Ratan Kumar Sinha,

appearing for the petitioner and Mr. N.C. Verma, learned counsel

appearing for the respondent.

2. It appears that the petitioner filed application for permission to repair the residential house but the respondent objected the prayer on the ground that the petitioner is residing in another house in another village. The court below without considering as to whether there is necessity for repairing or not, has rejected the application only on the ground that the injunction order passed by the trial court has already been confirmed by the appellate court.

3. In my opinion, the court below should have considered the necessity for repairing of the house or not and whether the house is in dilapidated condition or not so as to grant permission for repairing the same or not. The court below has only

rejected the same on technical ground. Therefore, the impugned order is set aside and the matter is remitted back to the court below for fresh consideration after hearing the parties and passing a fresh order regarding the necessity of permission to repair the house. Thus, this writ application stands allowed.

(Mungeshwar Sahoo, J)

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