

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14596 of 2015

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Sadanand Singh

.... Petitioner/s

Versus

Bisho Yadav & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dronacharya

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 19-05-2016 Heard the learned counsel, Mr. Dronacharya, for the petitioner.

Both the Courts below have rejected the injunction application on the ground that the plaintiff has got no prima facie case nor balance of convenience in his favour.

It may be mentioned here that the petitioner is claiming possession and is praying for restraining the defendants from disturbing the possession whereas the defendant respondents are claiming possession over the property. The trial Court by order dated 21.11.2013 passed in Title Suit No.90 of 2011 by Sub Judge 3rd Khagaria rejected the said injunction application. The appellate Court in Misc. Appeal No.1 of 2014 dismissed the appeal on 15.05.2015 passed by Ist Addl. District Judge, Khagaria.

Since both the parties are claiming possession over the property at this stage, if any order is passed restraining the

respondents then it will amount to declaration of possession of the plaintiff. In my opinion, therefore, both the Courts below have rightly rejected the injunction application.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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