

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16264 of 2015**

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Mod Narayan Jha

.... .... Petitioner/s

Versus

Sri Sri 108 Ram Janki Mandir Asthan Kaitola Kanhar Baba Bairagi  
Asthan Kaitola Shabh Aar & Ors

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ratanakar Jha

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR**  
**SAHOO**  
**ORAL ORDER**

3      28-06-2016      Heard the learned counsel, Mr. Anish Akhtar for the  
petitioner.

It appears that the suit was filed for declaration of title by the plaintiffs-respondents. In the suit, the present petitioner intervened under Order I Rule 10 C.P.C. on the ground that he has purchased portion of the suit property from Shivayat. Application was filed by the petitioner before the Court below to permit to sell portion of the purchased property for the purpose of making construction on the rest part of the purchased property. The Court below has rejected the said prayer on the ground that earlier the order of injunction has been confirmed by the High Court and directed both the parties to co-operate with the Court so that the suit itself may be disposed of at an early date.

In view of the above facts, it cannot be said that the order

passed by the Court below is without jurisdiction or that it occasioned failure of justice or that by the order, the petitioner is prejudiced.

So far the construction of boundary wall is concerned, it is not so urgent so as to vacate the injunction order and permit the petitioner to construct the same after selling some part of the property which he himself has purchased.

Accordingly, I find no reason to interfere with the impugned order. Thus, this writ application is dismissed.

**(Mungeshwar Sahoo, J)**

Saurabh/-

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