

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.192 of 2013

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Yogendra Rai, S/O Late Dhanukhi Rai, Resident of Village- Mohanpur,
P.S. and District- Samastipur.

.... Petitioner

Versus

1. Anita Kumari, W/O Devu Rai, Resident of Village- Kusaiya, P.S.-
Warisnagar, District Samastipur.
2. Devu Rai, S/O Sanichar Rai, Resident of Village- Kusaiya, P.S.-
Warisnagar, District Samastipur.
3. Shankar Rai, S/O Sanichar Rai, Resident of Mauza Kusaiya, P.S.-
Warisnagar, District- Samastipur. At Present Mauza Azad Nagar,
Mohanpur, P.S. and District Samastipur.
4. Satya Narayan Rai, S/O Late Janak Rai, Resident of Village- Mohanpur,
P.S. and District- Samastipur.
5. Raj Kishore Rai, S/O Sridhar Rai, Resident of Village- Birsinghpur, P.S.-
Kalyanpur, District- Samastipur.
6. Jainendra Kumar, S/O Late Ram Prakashan Rai, Resident of Village-
Azadnagar, Mohanpur, P.S. and District- Samastipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Bhubneshwar Prasad, Advocate
For the Respondents :

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 22-09-2016 Heard Mr. Bhubneshwar Prasad, learned counsel

appearing for the petitioner.

The present revision application has been filed against
the order dated 12.08.2013 passed by the appellate court in
injunction matter reversing the order granting status quo as prayed
by the plaintiff.

During the course of submission, it has been accepted
on behalf of the petitioner that the defendant completed the
construction over the suit house during pendency of the injunction

petition itself. It transpires from the impugned order that the appellate court has taken into notice the fact that the structure of the house of the defendant 1st set was complete over the suit land since before the filing of the suit. It has been also taken into notice that the suit has been filed for title and recovery of possession.

After scrutiny of the materials on record, the appellate court has found that plaintiffs had got no prima-facie case for injunction upon the suit land and the balance of convenience was also not in their favour. It has, however, been observed that the plaintiffs would get possession of their land, if found encroached by the appellants in case of their ultimate success through the process of the court.

After considering the submission and the order impugned, this Court does not find any error or material irregularity in the impugned order. This revision application is dismissed.

(V. Nath, J.)

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