

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.331 of 2017

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Ranjeet Kumar

.... Petitioner

Versus

Sri Niwas Kumar Verma & Ors

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajendra Kumar Jain

For the Respondents : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 21-02-2017

Heard learned counsel for the petitioner.

Perused the impugned order dated 21.04.2016 passed by the learned Munsif-III, Patna in Title Suit No.415 of 2015 whereby the learned court below has rejected the injunction application and the order dated 09.09.2016 passed by A.D.J., Patna in Miscellaneous Appeal No.43 of 2016 whereby the lower appellate court dismissed the appeal and thereby confirmed the order passed by the trial court rejecting the injunction application.

Admittedly the present suit has been filed by the plaintiff-petitioner praying for declaration that the plaintiff has got right to live in the suit premises till the expiry of the lease in the month of December, 2017. During the pendency of the suit, the Electricity Department has disconnected the electric connection. Then the application has been filed by the petitioner under Order 39 Rule 1 and 2 of the Code of Civil Procedure praying for



restraining the Electricity Department from disconnecting the electric line of the petitioner. Admittedly now according to the learned counsel for the petitioner, the electric line has already been disconnected and the Electricity Department is not a party in the suit. Therefore, in view of the above facts and circumstances there is no question of application under Order 39 Rule 1 of the Code of Civil Procedure arises and in the suit between the plaintiff and the defendants no relief as sought for in injunction application can be granted against a person or the department, which is not a party in the suit.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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