

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.216 of 2017**

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Rocky @ Rocky Sinha

.... Appellant/s

Versus

Sharad @ Sharad Sinha

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar Sharma

For the Respondent/s : Mr.

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

2 06-02-2017 Heard learned counsel Mr. Dinu Kumar for the petitioner and learned counsel Mr. V.K. Sharma for the respondent.

Perused the impugned dated 30.11.2016 passed by learned Additional District Judge, Patna in Title Partition Suit No.1902 of 2014 whereby the learned court below has only granted permission to the plaintiff-respondent for repairing the suit premises directing him to bear the cost of repair and also directed that the plaintiff shall not change the physical feature.

The grievance of the petitioner is that the court below has directed the defendant to look after the repair work which was never prayed for by the plaintiff. However, from perusal of the impugned order, it appears that the court below has only stated that the defendant will be at liberty to look after the repair work. Therefore, there is no direction to the defendant in any way. It is



liberty granted by the court below and court below expects sometime from a litigant and expected in the right way that the defendant will not obstruct the repairing work.

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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