

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.5 of 2017**

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Hemant Kumar

.... Appellant/s

Versus

Most. Phulbati Devi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Syed Mohammad Shabbir Alam

For the Respondent/s : Mr.

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

2 17-01-2017 Heard the learned counsel, Mr. Ragib Ahsan, for the petitioner.

Perused the impugned order dated 01.08.2016 passed by learned Addl. District Judge Ist, Katihar in Misc. appeal No.2 of 2007 whereby the learned lower appellate Court has dismissed the Misc. appeal and thereby confirmed the order of the trial Court dated 07.10.2006 passed by Munsif, Katihar in Title Suit No.158 of 2004 rejecting the injunction application filed by the plaintiff petitioner.

From perusal of the appellate order, it appears that both the Courts below have concurrently recorded finding that the plaintiff petitioner has got no prima facie case for grant of injunction and balance of convenience is also in favour of the plaintiff-petitioner.

Thus in view of the concurrent finding, I find no reason to interfere with the impugned order passed by the Court below. Thus, this Civil Misc. application is dismissed.

Sanjeev/-

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(Mungeshwar Sahoo, J)

