

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.41 of 2017**

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Laxmina Devi & Ors

.... Petitioner/s

Versus

Patilal Mahto & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr.

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

2 19-01-2017 Heard the learned counsel, Mr. Binod Kumar Singh for
the petitioners.

Perused the impugned order dated 29.02.2016 passed by
learned 3rd Additional District Judge, East Champaran at Motihari
whereby the learned Additional District Judge dismissed the
Miscellaneous Appeal and thereby confirmed the order dated
03.10.2013 passed by learned Munsif, Raxaul at Motihari in Title
Suit No.4 of 2012 rejecting the injunction application filed by the
plaintiffs-petitioners.

From perusal of the impugned order passed by both the
Courts below, it appears that both the Courts below considered
that the present suit has been filed by the plaintiffs-petitioners for
setting aside the compromise decree passed in earlier suit and,
therefore, the plaintiffs have got no prima facie case for the grant
of injunction. Since both the Courts below on the same facts and



circumstances of the case have concurrently recorded the findings against the plaintiffs-petitioners, this Court in exercise of supervisory jurisdiction for the purpose of supervising the impugned order cannot take another view and substitute its own finding.

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

(Mungeshwar Sahoo, J)

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