

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.732 of 2017**

=====

1. Shyam Sunder Yadav
2. Bijendra Yadav, Both Sons of Late Tilak Yadav
3. Sunil Kumar
4. Sudhir Kumar
5. Anil Kumar, 3 to 5 are Sons of Anirudh Yadav All resident of Lalpatti,
P.O. Kataiya, P.S. Singheshwar, District Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Madhepura, P.S. and District
Madhepura.
2. The Circle Officer, Singheshwar Anchal, At and P.S. Singheshwar
District Madhepura.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Lala Sachindra Kumar
For the Respondent/s : Mr. Raj Kishore Roy-GP18

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER**

2 26-03-2018 Heard both sides.

The petitioners have filed this petition against the order dated 24.03.2017 passed in Misc. Appeal No.2 of 2016 by which the learned District Judge, Madhepura admitted the Misc. Appeal No.2 of 2016.

The learned counsel for the petitioners submits that the plaintiff filed suit for declaration of title and grant of injunction. Immediately after grant of injunction on 30.04.2015, the respondent filed petition for review of the order dated 30.04.2015 but the review petition was dismissed on 19.04.2016. Thereafter,



the respondent filed miscellaneous appeal against both the orders. The plaintiff raised objection that miscellaneous appeal is not maintainable against the order passed in review petition.

I find no force in the submission of the learned counsel for the petitioner. Once the review petition is dismissed, the respondent is entitled to file appeal against the order granting injunction as well as the order of review. The order granting injunction is appealable under Order XXIII.

Therefore, I do not find any reason to interfere with the impugned order. Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

Saurabh/-

U			
---	--	--	--

