

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.169 of 2018

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1. Niraj Kumar, Son of Late Mathura Prasad, resident at Mohalla Murarpur
Bharwapar Police Station Laheri Distt Nalanda.

.... Petitioner

Versus

1. Md. Mumtaz Alam,
2. Md. Sarferaj Alam Boths Sons of Late Md. Nizamuddin @ Domamian,
Resident of Village Kanasarai, P.S. Laheri Murarpur, Distt. - Nalanda.
3. Kali Patin, Wife of Ram Sewak Ram,
4. Radhe Chaudhary
5. Mohan Chaudhary,
6. Sohan Chaudhary, Serial no. 4 to 6 sons of Ram Sewak Ram, All are
residents of Mohalla Murarpur (Bharawpur) at present Ram Chandrapur
under Nagar Nigam Bihar Sharif District- Nalanda.
7. Shalo Devi, Wife of Nand Kishore Prasad, resident of Mohalla
Mathuria, under Nagar Nigam Bihar Sharif, Distt.- Nalanda.
8. Sushila Devi, wife of Rajendra Prasad, Resident of Village Ariya
Benipur Police Station, Fatuwaha, Distt. Patna.
9. Uday Kumar, Son of Chamari Thakur, Resident of Mohalla Murarpur
Under Nagar Parishad Bihar Sharif, Distt. Nalanda.
10. Parmila Devi, Wife of Satendra Kumar Resident of Mohalla Murarpur
Under Nagar Parishad now Nagar Nigam Bihar Sharif, Distt. Nalanda.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Rabindra Prasad Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 13-07-2018

Heard learned counsel for the petitioner.

The petitioner has filed this Civil Miscellaneous
petition against the order dated 26.02.2016 passed in Misc. Appeal
No.12 of 2014.

The petitioner was intervener defendants in Title
Suit No.218 of 2008. The petitioner filed petition for grant of



injunction but the learned Sub Judge-II, Bihar Sharif dismissed the same on 24.07.2014 holding that the petitioner could not be able to show prima facie case for grant of injunction. The petitioner is the purchaser of 1 katha and 10 dhur of land in plot no.211. The total area of which is 28 decimals. The plaintiff did not raise any claim against the portion of the land purchased by the petitioner.

Learned counsel for the petitioner submits that without considering the fact that the lands of the petitioner is situated by the side of the plot of the plaintiff, the learned court below dismissed the injunction petition but I find no substance because the petitioner could not be able to show that the land of the petitioner is anyway concerned with the land of the respondents.

Accordingly, I do not find any merit in this Civil Miscellaneous petition. The same is dismissed.

(Prabhat Kumar Jha, J)

Amit/-

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