

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.36 of 2019**

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Jawahar Sharma Son of Late Khantar Sharma @ Khantar Mistri, resident of
Village- Tulsipur, Ghorghat, P.S. Bariarpur, District- Munger.

... .. Petitioner/s

Versus

Sushila Devi W/o Mahendra Sharma resident of Village- Tulsipur, Ghorghat,
P.S. Bariarpur, District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar Verma, Advocate
For the Respondent/s :

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**CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER**

2 22-01-2020 The petition filed on 04.01.2019 is listed for hearing
for the first time today before the Court.

Petitioner has prayed for the following relief:

“For issuance of an order in the nature of certiorari for quashing the interim order dated 16.07.2018 (Annexure-4) and 16.11.2018 (Annexure-7) passed in Title Suit No. 36 of 2016 by the learned Munsif 1st Munger, whereby and whereunder the interim order has been passed in favour of the respondent to continue the construction/repairing work of the Kuchcha house of respondent, despite the fact that the injunction order dated 27.03.2017 which was brought under the record of the said title suit by the respondent was dismissed vide the order dated 07.08.2017 by the learned Court of Munsif 1st Munger.”



From the interim order dated 16.11.2018 passed in Title Suit No. 36 of 2016, titled as Sushila Devi Vs. Jawahar Sharma and others, it is apparent that the occupant has been allowed to carry out minor repairs, for he had already collected the material on the spot and that the parties had been granted liberty to invite attention of the concerned Police Station, in the event of any dispute with regard to the nature of construction activity carried out by the parties undertaking the repair work.

This Court does not find any reason sufficient enough to interfere with the impugned order, for it cannot be said that the court below passed the same without proper application of mind, or accounting for the attending facts and circumstances including considering the material on record. There is neither any perversity nor any error on record.

As such, present petition filed under Article 227 of the Constitution of India, being devoid of any merit, is dismissed.

(Sanjay Karol, CJ)

P.K.P./-Sushma

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