

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.468 of 2016**

=====

Shashi Bhushan

.... Appellant/s

Versus

Narsingh Ram & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Sanjay Kumar No.-7

For the Respondent/s : Mr.

=====

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

2 31-08-2016

Heard the learned counsel for the petitioner.

It appears that the partition suit was filed by the plaintiff-petitioner. Injunction application was filed in the Court below praying for restraining the defendant from cutting the trees and selling the same and also for selling the tractor. The trial court rejected the injunction application recording a finding that there is no question of irreparable loss arises. The appellate court has confirmed the order passed by the trial court recording the same finding.

It may be mentioned here that the suit is of the year 2008 and we are sitting in the year 2016. There is no specification as to how many trees have already been cut and how many trees are still there which are being tried to be cut by the respondents. Moreover, the Courts below have clearly recorded that there is no question of irreparable loss to the plaintiff-petitioner arises.

In such view of the matter, for the purpose of supervising the orders passed by the trial court, this Court should not exercise supervisory jurisdiction under Article 227 of the Constitution of India and substitute its own finding even if other view is possible.

Thus, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

U			
---	--	--	--