
(2008) 09 RAJ CK 0057
In the Rajasthan High Court

General Public Gram Ghadana through representatives
Kishan Lal and Others

APPELLANT

Vs

Civil Judge (Jr. Div.), Sri Mahaveer Ji and Others

RESPONDENT

Date of Decision : 01-09-2008

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2008) 09 RAJ CK 0057

Hon'ble Judges : Narendra Kumar Jain, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Narendra Kumar Jain, J.—Admit.

2. Shri Shailendra Khandelwal and Shri Pankaj Gupta, Advocates, appear for the contesting respondents. Other respondents are only formal/Proforma respondents, their their service is dispensed with. Heard learned Counsel for the parties. The plaintiff-petitioner instituted a suit for permanent injunction along-with an application under Order 39 Rules 1 & 2 CPC, which was dismissed by the trial court. Being aggrieved with the same, an appeal was preferred but without success. Both the courts below refused to grant interim injunction in favour of the plaintiff-petitioner. I have considered the submissions of the learned Counsel for the parties in the light of reasons assigned by the courts below for refusing to grant interim injunction in favour of the plaintiff-petitioner. Both the courts below have recorded a concurrent finding in respect of prima-facie case, irreparable injury and balance of convenience in favour of the defendant and against the plaintiff.

3. The Hon''ble Supreme Court in AIR 1975 1297 (SC) , held that the High Court cannot, while exercising jurisdiction under Article 227, interfere with finding of fact recorded by the subordinate court or tribunal. It's function is limited to seeing that the subordinate court or tribunal functions within the limits of its authority. It cannot correct mere errors of fact by examining the evidence and re-

appreciating it.

4. The Hon''ble Supreme Court in Mohd. Yunus Vs. Mohd. Mustaqim and Others, , held that in exercising the supervisory power under Article 227, the High Court does not act as an Appellate Court or Tribunal.

5. After considering the submissions of learned Counsel for the parties, I do not find any illegality, perversity or jurisdictional error in the impugned order so as to interfere with the same.

6. There is no merit in this writ petition and the same is accordingly dismissed with no order as to costs.