
(2002) 09 AHC CK 0134

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 36208 of 2000

Markandey and Anr. Markandey and Anr.

APPELLANT

Vs

District Judge, Mirzapur & Ors.

RESPONDENT

Date of Decision : 16-09-2002

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 39 Rule 1, Order 39 Rule 2
Constitution of India, 1950 — Article 226

Citation : (2002) 09 AHC CK 0134

Hon'ble Judges : Anjani Kumar, J

Final Decision : Dismissed

Judgement

Anjani Kumar, J.—This writ petition was heard by me on 16th September, 2002. I have dismissed the writ petition for the reasons to be recorded later on. Now here are the reasons for dismissing the aforesaid writ petition.

2. This writ petition under Article 226 of the Constitution of India is directed against the order passed by the lower appellate Court thereby affirming the order passed by the trial Court, who has refused to grant temporary injunction in favour of the plaintiffs. The present petition was filed in the year 2000 in which no interim order was granted by this Court. The trial Court as well as lower appellate Court has considered the case set up by the plaintiffs on the touchstone of the principles laid down for the grant of temporary injunction and arrived at the conclusion that the plaintiffs have not been able to satisfy prima facie that they have any prima facie case; that they have balance of inconvenience in their favour; and that by refusal to grant the temporary injunction, they shall suffer irreparably. Since the findings arrived at by the trial Court on the aforesaid three points have been affirmed by the lower appellate Court, this Court in exercise of its power under Article 226 of the Constitution of India will not interfere with the concurrent findings arrived at by both the Courts below with regard to the principles of granting temporary injunction.

3. In this view of the matter, this writ petition being devoid of any merit deserves

to be dismissed and is hereby dismissed. The interim order, if any, stands vacated. However, there will be no order as to costs.