

SUPR EME COURT OF I ND I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).13888/2006

(From the judgement and order dated 05/12/2005 in MJC No.3021/2005 of
the HIGH COURT OF PATNA)

KALAWATI DEVI & ORS. Petitioner(s)

VERSUS

RAMANAND RAI & ANR. Respondent(s)

(With office report)

Date: 13/07/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s) Mr. Arup Banerjee,Adv.
Ms. Aparna Jha,Adv.
Mr. Rajnish Shekhar,Adv.

For Respondent(s) Mr. Gaurav Agrawal,Adv.

UPON hearing counsel the Court made the following
ORDER

The petitioner laid claim for construction of a boundary wall on his own land in respect whereof he had obtained a decree for prohibitory injunction. We, therefore, are of the opinion that Order 21 Rule 32(5) of the Code of Civil Procedure will have no application in the facts and circumstances of this case. Furthermore, the special leave petition has already been dismissed as against respondent No.1. In that view of the matter, this Court cannot pass inconsistent

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orders as the order passed by the High Court as against the said order has attained finality. The petitioner may avail any other remedy which may be available to them.

The special leave petition is dismissed.

(A.S. BISHT)
BHARDWAJ) COURT MASTER
MASTER

(PUSHAP LATA

COURT