

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1063 of 2015

In

Civil Writ Jurisdiction Case No. 6096 of 2013

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Rajbansh Ram Son of Moti Ram, Resident of village- Jadopur, Post Office-
Saitha, Police Station- Sonhan, District- Kaimur (Bhabua).

.... Appellant/s

Versus

1. Lalan Ram, Son of Shankar Ram, resident of Village Saitha Tola, Police
Station - District - Kaimur (Bhabua).
2. Tribhuwan Ram, Son of Shankar Ram, resident of Village- Saidha Tola,
Police Station- Sonhan, District- Kaimur (Bhabua).
3. Karpura Kuwar, Widow of Late Yamuna Ram, Resident of Mauja
Morha, Police Station- Sonhan, District- Kaimur, Present Residing At
Mauja Kawai, Police Station- Dudara District- Kaimur (Bhabua).
4. Raju Ram, Son of Khana Ram, Resident of Mauja Morha Police Station-
Sonhan, District- Kaimur Present Residing at Mauja Kawai, Police Station-
Dudara, District- Kaimur (Bhabua).
5. Khakhnu Ram Dusadh, Son of Late Khobhari Ram Dusadh, Resident of
Mauja Morha, Policetion- Sonhan, District- Kaimur Present Residing at
Mauja Kawai, Police Station- Dudara, District- Kaimur (Bhabua).

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhu Narayan Prabhakar

For the Respondent/s : Mr.

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CORAM: HONOUARBLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 22-05-2015

This Appeal is preferred against the order dated
25.6.2013 passed by the learned Single Judge in CWJC No. 6096

of 2013. The writ petition in turn was filed against the order dated 19.1.2013 passed by Misc. Case No. 21 of 2009 by the learned Munsif, Bhabua through which he has set aside the order, dismissing Title Suit No. 287 of 1998. The appellant was a defendant in the suit, and he opposed the restoration of the same.

The learned Single Judge dismissed the writ petition taking the view that the order passed by the learned Munsif is purely discretionary in nature.

Heard Sri Prabhu Narayn Prabhakar, learned counsel for the appellant.

It is not in dispute that the writ petition was filed under Article 227 of the Constitution of India, almost as a revision. Clause 10 of the Letters Patent does not permit an appeal from such an order.

Therefore, we reject this Appeal.
Interlocutory application shall stand disposed of.
There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

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