

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Letters Patent Appeal No. 157 of 2012 in W.P.No. 3318 of 2011
Somprakash s/o Keshardeo Murarka vs. Nawalkishor Gokulchand Murarka & others.

Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's
or directions and Registrar's orders. Orders.

Mr. D. Pathak, Adv. For appellant..
Mr. A.C.Dharmadhikari, Adv. For R-2 A to 2 -C.
Mr. R.L.Khapre, Advocate for R-1.
Mr. S.M.Ghodeswar, Advocate for R-3 and 4.

CORAM: B.R.GAVAI & PRASANNA B. VARALE, JJ

DATE : 19.8.2015

In view of the law laid down by the Hon'ble Apex Court in the case of Radhey Shyam and another vs. Chhabai Nath and others., reported in (2015) 5 Supreme Court Cases, 423 that the petition filed by the litigant challenging the order of the Civil Court is amenable only to the jurisdiction of this Court under Article 227 of the Constitution of India and not under Article 226 of the Constitution of India, this letters patent appeal would not be tenable. In that view of the matter, the letters patent appeal is dismissed as not maintainable.

Civil Application (Z) No. 209 of 2012 and Civil Application(Z) No. 54 of 2015 in LPA No. 157 of 2012

In view of the dismissal of the letters patent appeal, these applications are disposed of.

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