

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13103 of 2015

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Shree Pradeep Kumar Agrawal @ Pradeep Kumar Agrawal
..... Petitioner/s

Versus

Shree Prakash Kumar Agrawal
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

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2 18-03-2016

Heard the learned counsel, Ms. Monika for the petitioner
and the learned counsel, Mr. Sabbir Alam for the respondent.

This application under Article 227 of the Constitution
has been filed by the petitioner against the judgment and decree
dated 20.05.2015 passed by Additional District Judge I, Begusarai
in Title Appeal No.8 of 2013 whereby the lower appellate court
has remanded the case to the trial court for a fresh decision.

Since the petitioner has got remedy to file the appeal
under Order 43 Rule 1(u) C.P.C., this application under Article
227 is not maintainable.

The petitioner is permitted to convert this writ
application under Article 227 of the Constitution of India to a
Misc. Appeal under Order 43 Rule 1(u) C.P.C. The petitioner must
convert this writ application to Misc. Appeal within one month
after Holi holidays.

Saurabh/-

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(Mungeshwar Sahoo, J)