

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19494 of 2015

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Sushil Kumar Singh

.... Petitioner/s

Versus

Dulhin Usha Kiran Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Mishra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 01-07-2016

Heard the learned counsel, Mr. Mahesh Prasad No.2 for the petitioner.

Since by the order dated 07.10.2015, the application filed by the petitioner under Order VII Rule 11 C.P.C. has been rejected and according to the decision of the Hon'ble Supreme Court, (2004) 9 Supreme Court Cases 512, an order refusing to reject the plaint falls in the category of preliminary judgment, in my opinion, this writ application is not maintainable, the order is revisable.

Therefore, the petitioner may convert this writ application as Civil Revision application under the Code of Civil Procedure within two weeks failing which this writ application shall stand dismissed without further reference to a Bench.

(Mungeshwar Sahoo, J)

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