

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3115 of 2016

In

Civil Writ Jurisdiction Case No. 19410 of 2011

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Nand Kishore Singh Son of Late Bholi Roy Resident of Mohalla -
Chakaram (Sri Krishna Nagar) P.S. Budha Colony, P.O. G.P.O. in the town
& District of Patna.

.... Petitioner/s

Versus

Mahesh Yadav son of Late Baikunth Roy Resident of Mohalla - Sherpur,
P.S. - Maner, P.O. Sherpur in the district of Patna at present residing at
Ranipur Khirkhi, Murlidhar, P.S. Khajekalan, P.O. Patna city in the district
of Patna.

.... Plaintiff/Opp. Party

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Appearance :

For the Petitioner/s : Mr. Ashutosh Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 14-12-2016 The present application has been filed for restoration of

C.W.J.C. No. 19410 of 2011 which has been converted from civil

revision application and the same has been dismissed for non-

compliance of the preemptory order dated 16.3.2012 but, during

pendency of that writ application, the suit itself has been disposed

of and decree has been passed.

Learned counsel for the petitioner submits that against

that decree, a appeal would lie before the District Judge, Patna but,

he submits that the points which were there in the writ application

may be allowed to be taken in the appeal.

It goes without saying that when this Court has not



adjudicated upon the points he has raised, there is no law preventing him to take all the points before the appellate court and the appellate court will decide the case in accordance with law.

Since the suit has already been concluded and decree has been passed, there is no need to pass any order.

This application is, accordingly, dismissed.

(Shivaji Pandey, J)

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