

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3578 of 2015

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Bibi Noorun Nishan

.... Petitioner/s

Versus

Abu Zafar Ansari & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 09-03-2016

Heard Mr. Suresh Chandra Giri learned counsel for the petitioner on IA No. 1598 of 2016. Heard him also on merit in admission matter.

The Interlocutory application no.1598 of 2016 has been filed by the petitioner for substitution of the legal representatives of the deceased sole petitioner. The legal representatives have already been appeared by filing Vakalatnama.

Accordingly, the application is allowed. The legal representatives are substituted.

So far this application under Article 227 of the Constitution of India is concerned, the same has been filed for setting aside the order dated 18.3.2013 passed in partition suit no. 103 of 1979 and 3/2009 and also for declaring the final decree passed in the aforesaid suit signed on 31.1.2014 as illegal.

Learned counsel for the petitioner submitted that the

final decree has been prepared by the Court below which is against the direction of the LPA court being LPA No. 625 of 1996 disposed of on 3.5.2007.

Since final decree is appealable therefore, the petitioner has got the statutory remedy under the Code of Civil Procedure. There is no reason as to why he will not avail the right of appeal under the statute. If so advised, the petitioner may move before appropriate forum for his grievance.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

siddharth/-

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