

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.512 of 2016**

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Nawal Singh

.... Appellant/s

Versus

Raj Kishori Devi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Patanjali Rishi

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 05-09-2016

Heard the learned counsel, Mr. Patanjali Rishi for the
petitioner.

By the impugned order dated 02.04.2016, the learned Sub
Judge I, Jehanabad has confirmed the Pleader Commissioner's
report in Final Decree Proceeding in Partition Suit No.129 of
2008.

Pursuant to the aforesaid impugned order dated
02.04.2016, now only the clerical job has to be done i.e. the decree
is to be engrossed in stamp paper. Therefore, this order dated
02.04.2016 is the judgment and decree within the meaning of
Section 2(2) C.P.C. and limitation shall start from this date in view
of the various decisions of the Supreme Court such as, AIR 2005
Supreme Court 2564, AIR 2006 Supreme Court 2248, AIR 1977
Supreme Court 2319 and (2001) 7 Supreme Court Cases 573.

Therefore, the petitioner has the remedy under the Code

of Civil Procedure, as such, he cannot be allowed to invoke jurisdiction under Article 227 of the Constitution of India.

Thus, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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