

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10659 of 2014

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Kumar Sachendra Singh, son of Sheoji Singh, resident of Mohalla- Sital Tola, Ara,
P.S.- Ara Town, District- Bhojpur.

.... Petitioner/s

Versus

1. Awadhesh Nandan Tiwary @ Awadesh Nand son of Deo Dutta Tiwary, resident
of Mohalla- Dabar Gali Chowk, P.S.- Ara Town, District- Bhojpur
2. Ajay Dixit
3. Sanjay Dixit sons of Late Jainath Dixit Both residents of Mohalla- Sital Tola,
P.S.- Ara Town, District- Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra Sinha, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 05-07-2016

Heard Mr. Anish Chandra Sinha, learned counsel for the
petitioner.

After considering the submissions and perusal of the
impugned order, it is manifest that the learned court below by the
impugned order has directed the plaint filed by the plaintiff-petitioner
to be withdrawn from the court and to be filed before the court of
competent jurisdiction with additional court fee. Such an order is
appealable under Order 43 Rule 1 (A) C.P.C.

In this view of the matter, this Court is not inclined to
invoke the jurisdiction under Article 227 of the Constitution of India.

The present application is, accordingly, dismissed.

However, the petitioner shall be at liberty to avail the remedies, if available, in accordance with law.

(V. Nath, J)

Devendra/-

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