

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1263 of 2016**

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Bharat Singh

.... Appellant/s

Versus

Pramod Rai & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Verma

For the Respondent/s : Mr.

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

2 06-12-2016

Heard the learned counsel for the petitioner.

Perused the impugned order dated 13.06.2016 passed by Sub Judge III, Buxar in Title Suit No.692 of 2013 whereby the learned Court below has rejected the plaint under Order VII rule 11(d) of the Code of Civil Procedure.

In view of the above fact, the order whereby the plaint has been rejected is a decree within the meaning of “decree” as defined under Section 2(2) C.P.C.

Therefore, the petitioner has got the remedy under the Code of Civil Procedure itself. In such circumstances, this application under Article 227 of the Constitution is not maintainable and accordingly, it is dismissed. The petitioner may avail the remedy under the Code of Civil Procedure.

Saurabh/-

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(Mungeshwar Sahoo, J)

