

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16697 of 2014

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Azhar Khan

.... Petitioner/s

Versus

Ali Hussain Khan & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Wasi Ahmad Khan

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 08-01-2016

Heard the learned counsel for the petitioner.

By the impugned order dated 10.07.2014, the learned Addl. District Judge, Bettiah, West Champaran in Title Appeal No.29 of 2012 rejected the application under Order 41 Rule 25 of the Code of Civil Procedure.

It appears that the plaintiff filed the suit for declaration of title. The suit was dismissed. Thereafter, the plaintiff petitioner filed title appeal before the lower appellate Court and in that appeal, application under Order 41 Rule 25 CPC has been filed. By the impugned order, the Court below has rejected that application on the ground that the Court below has already considered unregistered deed in the Judgment.

In view of the observation of the lower appellate Court that unregistered deed has already been considered by the Court below merely because no issue has been framed, the appellant has got no

inherent right to get the appeal remanded to the Court below after framing an issue. Therefore, the learned Court below has rightly rejected the application filed by the petitioner.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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