

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2699 of 2016

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Srimati Girija Devi & Ors

.... Petitioner/s

Versus

Deodat Upadhya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

3 26-07-2016

The learned counsel, Mr. Om Prakash Pandey for the petitioners submitted that in view of the judgment of the Supreme Court, (2004) 9 Supreme Court Cases 512, the order whereby the application under Order VII Rule 11 C.P.C. has been rejected is a preliminary judgment, therefore, he has got the remedy under the Code of Civil Procedure itself. On this ground, the learned counsel submitted that he may be permitted to convert this writ application to a regular civil revision under the Code of Civil Procedure within two weeks.

Permission is accorded.

The petitioners shall convert this writ application to civil revision application within two weeks failing which this application under Article 227 of the Constitution shall stand rejected as not maintainable.

Saurabh/-

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(Mungeshwar Sahoo, J)