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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

LETTERS PATENT APPEAL No.38 OF 2011

IN

WRIT PETITION No. 1030 OF 2009 (D)

Sdmt. Ramakanta w/o Sukhdeo Waghmare

-Vrs.-

Vaishali w/o Kundan Chaure.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

CORAM : B.R. GAVAI AND P.N. DESHMUKH, JJ.

DATED : 8th JANUARY, 2016

The matter was called on 16.12.2015. None appeared on that date. Therefore, we directed the matter to be kept for dismissal. Today also when the matter is called out none appears for the parties. The letters patent appeal could have been dismissed in default.

However, it appears that the challenge before the learned Single Judge in W.P. No.1030/2009 arose out of the orders passed by the learned Civil Judge, Senior Division and the learned District Judge.

In view of the judgment of the Hon'ble Apex Court in the case of **Radheshyam and another Vs. Chhabinath and others** reported in **(2015) 5 SCC 423** the jurisdiction exercised by the learned Single Judge while examining the orders passed

by the Civil Judge only refer to jurisdiction Article 226 and not 227 and therefore the letters patent appeal would not be tenable in law.

The letters patent is therefore rejected.

JUDGE

JUDGE

Hirekhan