

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.9 of 2016

ORDER:

Heard.

The petitioner is aggrieved by the order of mutation passed by the 4th respondent under Ex.P-1, dated 16-11-2015.

A reading of the said order goes to show that the 4th respondent has implemented the decree of the Senior Civil Judge, Sirisilla, in O.S.No.89 of 2009, dated 01-03-2013.

Learned counsel for the petitioner states that already proceedings are pending in the nature of setting aside the said ex-parte decree as well as the appeal and that the petitioner has filed number of representations before the 3rd respondent, who is the appellate authority. He also complains that there was no notice to the petitioner before passing of the impugned order by the 4th respondent.

It is, however, well settled that the order impugned is appealable and it is also settled by the reported decisions of this Court that a representation cannot be treated as an appeal. Hence, it is open to the petitioner to file an appeal, if he is so desires questioning the impugned order.

Hence, with the liberty to the petitioner to approach the appellate authority, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 05-01-2016

Prv

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