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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 412/2016**
DELHI TRANSPORT CORPORATION

..... Petitioner

Through Mr. Sarfaraz Khan, Adv.
versus

M/S VIDYA MANDIR CLASSES LTD

..... Respondent

Through Nemo.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **02.05.2016**

CM(M) 412/2016 & C.M. No.15933/2016, C.M. No.15934/2016 & C.M. No.15935/2016

The petitioner is aggrieved by the order dated 22.01.2016 vide which the appeal filed against the dismissal of the objections under Order 21 Rule 58 of the CPC had been dismissed. Under Order 21 Rule 58 (iv) where objections have been decided under Order 21 Rule 58 of the CPC, the order made thereon shall have the same force and shall be subject to the same condition as to appeal or otherwise as if it was a decree. This Court is of the view that a second appeal is maintainable and not proceedings under Article 227 of the Constitution.

Dismissed with liberty granted to the petitioner to approach the appropriate forum.

INDERMEET KAUR, J

MAY 02, 2016

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