

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23732 of 2013

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Thuri Mian Nalband

.... Petitioner/s

Versus

Bimla Devi & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramadhar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR

SAHOO

ORAL ORDER

2 11-10-2017 Heard the learned counsel for the petitioner.

The learned counsel, Mr. Ramadhar Singh, for the petitioner submitted that the impugned order dated 24th February, 2007 passed by the Court below has finally decided the application filed by the petitioner under Order 21 Rule 99 CPC and the application has been rejected.

In view of the submission of the learned counsel for the petitioner that the application under Order 21 Rule 99 CPC has been decided finally on merit, i.e., the dispute raised by the petitioner has been finally adjudicated upon, it is a decree as provided under Order 43 Rule 103 CPC. Since it is a decree, the petitioner is at liberty to challenge the same under the Code of Civil Procedure according to law.

So far this application under Article 227 of the Constitution of India is concerned, it is not maintainable.

Accordingly, this writ application is dismissed.

Sanjeev/-

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(Mungeshwar Sahoo, J)

