

**Vinod Kumar Vs. Shiv Kumar Garg**

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**SooperKanoon Citation :** [sooperkanoon.com/1041686](http://sooperkanoon.com/1041686)

**Court :** Madhya Pradesh

**Decided On :** Apr-30-2013

**Appellant :** Vinod Kumar

**Respondent :** Shiv Kumar Garg

**Judgement :**

Writ Petition No ::

7638. / 2013 Vinot Kumar versus Shiv Kumar Garg and others 30.04.2013.

Shri P.L.Pandya for the petitioner.

Shri Rajesh Tiwari, Government Advocate, for the State on advance notice.

Against the order impugned passed by the 2nd Civil Judge Class I, Satna granting injunction in a proceeding held under Order 39 Rules 1 and 2 of the Code of Civil Procedure, petitioner has a remedy of filing an appeal under Order 43 Rule 1(R) CPC before the District Judge, therefore, a petition under Article 227 of the Constitution bypassing this remedy of appeal, is not maintainable.

Accordingly, granting liberty to the petitioner to file an appeal as indicated hereinabove, this petition is disposed of.

Certified copy as per rules.

(RAJENDRA MENON) JUDGE Aks/-

