

Mohan Vs. Matadin

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Court : Madhya Pradesh

Decided On : Aug-29-2012

Appellant : Mohan

Respondent : Matadin

Advocate for Pet/Ap. : Shri. R.P.Mishra

Judgement :

1 Writ Petition No.12265/2012.

29.8.2012 Shri R.P.Mishra, learned counsel for the petitioner.

Heard on the question of admission.

The petitioner has filed this petition under Article 227 of Constitution of India for issuing appropriate writ in the nature of certiorari for quashment of the order dated 10.7.2012 passed by Additional District Judge, Amarpatan District Satna in Misc.

Civil Appeal No.27/12 whereby his appeal filed against the order dated 16.1.2012 passed by Civil Judge, Class-I Amarpatan in Misc.

Civil Case No.2/2010 allowing the application of the respondent filed under Order 21 Rule 32 r/w Section 151 of CPC, the petitioner was directed to send him Civil Jail on account of violation of some decree of such Court, has been dismissed.

In the course of the argument on admission on asking the petitioner's counsel what wrong has been committed by the appellate Court in holding that the appeal of the petitioner is not entertainable against the order dated 16.1.2012 (Ann.

P.3). passed by Civil Judge, Class-I Amarpatan on which he could not satisfy me by any legal provision, rules or regulations in which such appeal could be entertained and adjudicated on merits.

Besides this after going through the provision of Order 43 Rule 1 as well as Section 96 of CPC, I have not found any of the provision in which against the order passed in the proceedings of Order 21 Rule 32 r/w Section 151 of CPC is made appealable.

In such premises, it is held that the appellate Court has not committed any error in dismissing the appeal of the petitioner against the impugned order by holding that the same is not maintainable.

In view of the aforesaid, the petition being devoid of any merits is hereby dismissed.

However, the petitioner shall be at liberty to approach the appropriate forum with appropriate proceeding permissible under the law against the order dated 16.1.2012 passed by the Civil Judge Class-I in Misc.

Civil Case No.2/2010.

Certified copy as per rules.

(U.C.Maheshwari) Judge k

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