

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.15 of 2016

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Mohan Lal Rauth

.... Appellant/s

Versus

Prithwinath Dubey & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhananjay Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02 25.04.2017 Stamp reporter vide his report dated 07.04.2017 reported that suit and appeal value is Rs 2,80,020/- and, therefore, this memo of appeal is not maintainable before this court due to lack of pecuniary jurisdiction.

However, learned counsel appearing for appellant submits that appellant was intervener in Title suit no. 136/1986 but his petition was rejected by the court below vide order dated 20.03.2015 and subsequently, impugned order and decree was passed in Title suit no. 136/1986 on 26.05.2015 which has been challenged before this court in the present appeal.

Learned counsel appearing for the appellants fairly concedes that this appeal is not maintainable before this court and seeks permission to convert this appeal into revision petition. He further submits that appellant only wants to challenge the order dated 20.03.2015 passed in Title suit no. 136/1986 by which intervener petition was rejected by the learned court below.

In view of the aforesaid submissions, appellant may convert



this memo of appeal into revision petition by making necessary correction in the memo of appeal within four weeks and if, the appellant does so, office should place a fresh report.

Shahid

(Hemant Kumar Srivastava, J)

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