

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.91 of 2016

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Monazir Hasan Khan & Anr

.... Appellant/s

Versus

Mobina Khatoon

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gautam Kumar Yadav

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

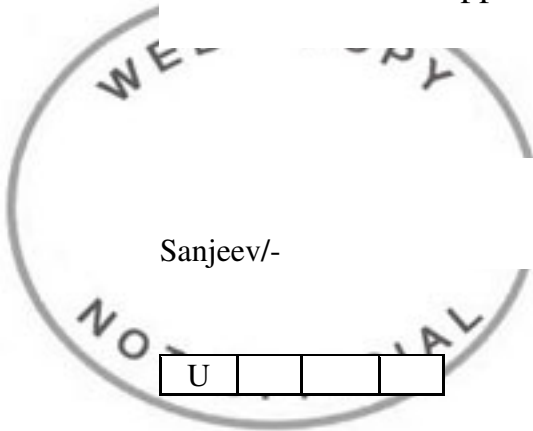
2 03-08-2016 It appears that this Civil Misc. application has been filed under Article 227 of the Constitution of India against the order dated 19.01.2016 passed by Sub Judge Ist, Sherghati in Title Suit No.344 of 2015 whereby the Court below has rejected the application filed under Order 7 Rule 11 CPC.

The Hon'ble Supreme Court in the case of *Liverpool & London S.P. & I Association Ltd. Vs. M.V.Sea Success I* (2004) 9 SCC 512 has held that 'the order rejecting an application under Order 7 Rule 11 CPC is a preliminary Judgment.' Therefore the petitioner may pursue his remedy under the Code of Civil Procedure by filing Civil revision application.

The learned counsel for the petitioner seeks permission to convert this Civil Misc. application to Civil revision. Permission is accorded.

The petitioner shall convert this Civil Misc. application to

Civil Revision within two weeks failing which this Civil Misc.
application shall stand dismissed as not maintainable.



Sanjeev/-

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(Mungeshwar Sahoo, J)