

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.266 of 2016

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Vijay Kumar Mahto

.... Appellant/s

Versus

Bishundeo Mahto & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kaushal Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 12-08-2016 Heard learned counsel Mr. Kaushal Kumar for the
petitioner.

Perused the impugned order dated 01.03.2016 passed
by learned District Judge, Begusarai in Civil Miscellaneous
Appeal No.04 of 2015/15 of 2015 whereby the learned court
below dismissed the miscellaneous appeal recording a finding that
it is not maintainable.

It appears that in Title Suit No.272 of 2005 the present
petitioner filed application under Section 340 Cr.P.C. for initiating
a criminal proceeding against the respondents. The trial court
rejected the same application. Against the said order the present
miscellaneous appeal was filed under Order 43 Rule 1 CPC. It
may be mentioned here that the order passed under Section 340
Cr.P.C. is not appealable under the Code of Civil Procedure,
therefore, the learned court below has rightly dismissed the

miscellaneous appeal as not maintainable. Thus, I find no merit in this civil miscellaneous application, as such, it is dismissed.

Harish/-

(Mungeshwar Sahoo, J)

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