

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.253 of 2016

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Narayan Sah & Anr

.... Appellant/s

Versus

Shakila Rafat Praveen @ Shabanam Praveen & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar Sharma

For the Respondent/s : Mr. Sheo Shankar Prasad- Sc10

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 26-07-2016 From perusal of the impugned order dated 22.04.2016 passed by Sub Judge Ist Court, Darbhanga in Title Suit No.123 of 2016, it appears that the Court below has rejected the plaint under Order 7 Rule 11 (a) CPC which is a decree within the meaning of 'decree' as defined under Section 2 sub Section 2 of the Code of Civil Procedure. Therefore, the petitioner has got the remedy to file Appeal against the decree.

According to the learned counsel, the valuation of the suit is Rs.19,27,000/-. Therefore, even if Appeal will lie under Section 96 of the CPC, the same shall lie before the High Court. Accordingly, the learned counsel submitted that he may be permitted to convert this Civil Misc. application to regular First Appeal before this High Court within three weeks. Prayer is allowed.

The learned counsel for the petitioner is permitted to

convert this Civil Misc. application to First Appeal within
aforesaid period of three weeks failing which this Civil Misc.
Application shall stand dismissed as not maintainable.

(Mungeshwar Sahoo, J)

Sanjeev/-

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