

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11891 of 2015

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1. Ram Babu Singh S/o Late Shyam Sunder Singh,
2. Chandra Ghosh Singh, S/o Sri Ram Babu Singh,
3. Satyendra Kumar @ Satyendra Singh, Son of Sri Ram Babu Singh,
4. smt. Jaya Devi, W/o Sri Chandra Ghosh Singh,
5. Smt. Geeta Devi, W/o Sri Satyendra Kumar, All resident of village -
Mohammadpur, P.S. - Didarganj, P.O. - Kothiya, Via - Begampur, District -
Patna - 800009.

.... Petitioner/s

Versus

1. Ram Pravesh Singh Son of Sri Ram Babu Singh, Resident of Village -
Mohammadpur, P.S. - Didarganj, P.O. - Kothiya, Via - Begampur, District -
Patna -800009.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 02-05-2016 Heard Mr. Shailendra Kumar Jha, learned counsel
appearing for the petitioners and Mr. Abinash Kumar, learned
counsel appearing for the respondent.

Admittedly, the review application has been filed by
the petitioners against the order passed under Order 40 Rule 1
CPC whereby Receiver has been appointed. Against the order of
appointing Receiver, Miscellaneous Appeal has been filed before
the High Court under provisions, as contained under Order
43, Rule 1(s) of the Code of Civil Procedure.

The learned Sub-Judge-1, Patna city by order dated

15.04.2015 rejected the said review application filed by the petitioners under Order 47, Rule 1 CPC.

In view of the provisions, as contained in Section 114 CPC, review is maintainable only if no appeal is filed against the order which is appealable under the Code of Civil Procedure. Admittedly, the order passed under Order 40, Rule 1 CPC, Miscellaneous Appeal has been filed before the High Court. Thus, the review application is not maintainable. The court below has rightly rejected the application.

In view of the aforesaid, I find no reason to interfere with the impugned order,

The writ application is, accordingly, dismissed.

(Mungeshwar Sahoo, J)

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