

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1074 of 2016**

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Jageshwar Yadav & Ors

.... Appellant/s

Versus

Satendra Yadav & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mrigendra Kumar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**
ORAL ORDER

2 11-11-2016

The learned counsel for the petitioner submitted that in view of the Division Bench decision of this Court reported in **2010 (2) PLJR 954 paragraph 36**, this Civil Misc. application will not be maintainable as the independent separate proceeding has been disposed of by the impugned order under challenge rather Civil Revision is maintainable.

From perusal of the impugned order, it appears that Misc. Case No.7 of 2012 filed by the petitioner for setting aside compromise decree has been dismissed by the Court below. Therefore, the independent proceeding has been disposed of by the impugned order and the impugned order is thus not an interlocutory order passed either in the suit or in the proceeding. Therefore, in my opinion, Civil Revision is maintainable in view of the Division Bench decision.

I, therefore, permit the petitioner to convert this Civil Misc. application to Civil Revision application within two weeks.

Sanjeev/-

(Mungeshwar Sahoo, J)

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