

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3274 of 2016**

Prashuram Sah

.... .... Petitioner/s

Versus

Raghunandan Rai & Ors

.... .... Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar

For the Respondent/s : Mr.

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

**ORAL ORDER**

2 14-07-2016

This application under Article 227 of the Constitution of India has been filed by the petitioner challenging the order dated 20.12.2006 passed by Munsif-I, Vaishali at Hajipur in Title Suit No.75 of 1994 whereby the suit has been dismissed on the ground of pecuniary jurisdiction. Therefore, a preliminary issue has been decided regarding pecuniary jurisdiction and now after this order the suit has been disposed of. Therefore, in no case the impugned order can be said to be an interlocutory order because by this impugned order the proceeding has been ended. In my opinion, therefore, this application under Article 227 is not maintainable against the final order whereby a proceeding has been disposed of.

In the case of **Durga Devi Vs. Vijay Kumar Poddar, 2010 (2) P.L.J.R. 954** at paragraph 36 it has been held that the acid test which is to be applied is that if by termination of such a proceeding an independent cause of action is put at naught, the

application for revision would be maintainable. Therefore, the petitioner is permitted to convert this writ application to civil revision application. The conversion must be made within one week failing which this application shall stand dismissed as not maintainable.

**(Mungeshwar Sahoo, J)**

Harish/-

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