

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9805 of 2015

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Smt. Reeta Devi & Ors

.... Petitioner/s

Versus

Smt. Nibha Devi @ Girijesh Kumari

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 12-04-2016

At the instance of the petitioners, this application has been listed under the heading to be mentioned.

The learned counsel, Mr. Baidya Nath Thakur appearing on behalf of the petitioners submitted that due to inadvertence, the petitioners have filed this application under Article 227 of the Constitution of India instead of filing First Appeal against the order dated 02.05.2015 whereby the plaint of the petitioners has been rejected under Order VII Rule 11(d) C.P.C. which is a deemed decree as provided under Section 2(2) C.P.C. Therefore, he prayed that he may be permitted to convert this writ application to regular First Appeal.

The learned counsel appearing on behalf of the respondent has got no objection.

In view of the above factual aspect of the matter and in view of the submission, the petitioners are permitted to convert

this writ application to First Appeal within three weeks failing which this writ application shall stand dismissed without further reference to a Bench as not maintainable.

(Mungeshwar Sahoo, J)

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