

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.86 of 2016

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Jai Mangal Prasad & Anr

.... Appellant/s

Versus

Bishwanath Singh & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Kumar Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 03-08-2016 Heard the learned senior counsel, Mr. T. N. Maitin, for the petitioner.

By the impugned order dated 24.07.2015, the learned ADJ V, Buxar had only directed the appellant to convert the Misc. Appeal to a Title Appeal. Therefore, by this order only the Court below had directed to convert the Misc. Appeal as Misc. Appeal was not maintainable against the dismissal of the suit on preliminary issue.

So far the submission of the learned senior counsel for the petitioner that the Misc. Appeal itself was barred by law of limitation is concerned, from perusal of the impugned order, it appears that no order has been passed on this ground as to whether the appeal is barred by law of limitation or not or whether Misc. Appeal is barred by law of limitation or not and whether the delay in filing the Misc. has been condoned or not. Therefore, if any

question regarding limitation is raised by the petitioner, the same shall be decided by the lower appellate Court according to law.

With this observation, this Civil Misc. application is disposed of.

(Mungeshwar Sahoo, J)

Sanjeev/-

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