

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.1051 of 2016

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Shyamnath Gupta & Anr

.... Appellant/s

Versus

Jagdish Sah & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

06 24-01-2018 Seen the office note.

In view of the order dated 27.04.2010 passed by this Court in C.R. No.1067 of 2009 holding that miscellaneous appeal is not maintainable against the interlocutory order rather civil writ application under Article 227 of the Constitution of India lies against it the appellant was directed to convert this miscellaneous appeal into a civil writ application vide order dated 16.10.2017. Now, the office, citing the Rule 6 of the Patna High Court Rules, 1916, has submitted that the petition under Article 227 of the Constitution of India in respect of any order or any proceeding before the Civil Court, would be filed in civil miscellaneous jurisdiction and would be numbered as Civil Miscellaneous No.

Learned counsel for the appellant has submitted that in compliance of aforesaid earlier order of this Court he has converted this miscellaneous appeal into a writ application.



In the facts and circumstances of the case, the appellant is directed to convert the writ application into a civil miscellaneous case within four weeks, failing which this application shall stand dismissed without further reference to a Bench.

(Prakash Chandra Jaiswal, J)

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