

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.1004 of 2016

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Smt. Chandrakala Devi & Ors			Appellant/s
Versus			
Rajendra Singh			Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhola Kumar
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

05 13-10-2017 From perusal of the record and report of the stamp reporter, it appears that appellants have filed this miscellaneous appeal against the order dated 19.07.2016, whereby the learned Sub Judge 1st, Aurangabad has allowed the application filed under Order-9 Rule-13 read with Section 151 of the Code of Civil Procedure filed by the defendant but, as per Order 43 Rule 1 CPC and in view of the order dated 02.08.2013 passed in Misc. Appeal No.337 of 2013, no appeal lies against allowing of the application under Order 9 Rule 13 CPC rather a revision is maintainable against the said order. Hence, this miscellaneous appeal is not maintainable.

Learned counsel for the appellants is directed to take step for converting this miscellaneous appeal into civil revision within four weeks.

(Prakash Chandra Jaiswal, J)

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