

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.126 of 2016

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Manager Prasad

.... Appellant

Versus

Motichan Prasad & Ors

.... Respondents

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Appearance :

For the Appellant/s : Mr. Madan Jeet Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 11-04-2017 The stamp reporter has reported that valuation of this appeal is Rs. 50,000/- which is less than rupees ten lacs.

Since this court has pecuniary jurisdiction to hear the appeal valuation up to rupees ten lacs and above, therefore, this court has got no pecuniary jurisdiction to hear this appeal.

However, it is submitted on behalf of the appellant that F.A. No. 293 of 1990 of the same litigation is pending before this court.

It is an admitted position that when F.A. No. 293 of 1990 was filed, this court had got jurisdiction to hear the aforesaid appeal and that is the reason, the aforesaid appeal was admitted for hearing before this court.

In view of the aforesaid circumstances, the memo of this appeal as well as copy of impugned judgment and other relevant documents be returned to appellant within two weeks



after getting the substituted copies and the appellant may file appeal before the appropriate forum within six weeks from the date of return of memo of appeal as well as other relevant documents.

However, it is made clear that at the time of reckoning the period of limitation, the concerned court shall exclude the period of pendency of this appeal before this court as well as the period which has been granted to the appellant for filing the appeal before the appropriate forum.

In the aforesaid manner, this appeal stands disposed of.

(Hemant Kumar Srivastava, J)

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