

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.2098 of 2017**

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Munna Kumar Son of late Ramdeo Prasad Resident of Mohalla- Digghi, Talab,
P.S. Civil Lines, District - Gaya.

... .. Petitioner/s

Versus

Smt. Anjani Devi Wife of Raj Ballam Singh Resident of Village- Yamuna,
P.S. Imamaganj, District- Gaya,.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 27-11-2018 Heard learned counsel for the petitioner and learned
counsel for the respondent.

The petitioner has filed this civil miscellaneous petition against the order dated 29.07.2017 passed in Misc. Case No.2 of 2017 by which the petition of the petitioner for restoration of Title Suit No.1 of 2016/Probate Case No.31 of 2014 under Section 47 Rule 1 read with Section 114 and 115 of C.P.C. has been dismissed.

At the very outset of the argument, there appears that Title Suit No.1 of 2016 which was converted from Probate Case No.31 of 2004 was dismissed on 10.02.2017 under Order VII Rule 11(c) and provision of appeal is provided against any order passed under Order VII Rule 11(c) of the Code of Civil Procedure.



Learned counsel for the petitioner submits that the petitioner has already preferred First Appeal No.147 of 2017 which is pending before this Court. At the same time, petitioner also filed petition for reviewing the order dismissing the title suit under Order VII Rule 11(c) C.P.C. I find that the learned Additional District Judge I, Gaya has rightly held while dismissing the miscellaneous case for reviewing the order passed under Order VII Rule 11(c) that the impugned order sought to be reviewed is appealable and accordingly, miscellaneous petition is not maintainable.

Having considered the facts aforesaid, I do not find any jurisdictional error or illegality in the order impugned. Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

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