

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25105 of 2013

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Parvati Devi Daughter of Late Ramanand Singh, Wife of Gopal Singh,
Resident Of Village- Gamhriya, P.S. Karakat, District- Rohtas, At Present
Resident Of Village- Gothani, P.O. Dawath, P.S. Suryapura, District-
Rohtas.

.... Petitioner/s

Versus

1. Lalmuni Devi Wife of Late Ramanand Singh, Resident of Village-
Gamhriya, Post Gorakh Parsi, P.S. Karakat, Distt. Rohtas
2. Mina Devi Daughter of Late Ramanand Singh, Resident of Village-
Gamhriya Post Gorakh Parsi, P.S. Karakat Distt. Rohtas
3. Gauri Devi Daughter of Late Ramanand Singh, Resident of Village-
Gamhriya, Post Gorakh Parsi, P.S. Karakat, Distt. Rohtas
4. Bhagwati Devi Daughter of Late Ramanand Singh, Resident of Village-
Gamhriya, Post Gorakh Parsi, P.S. Karakat, Distt. Rohtas
5. Shivji Singh Son of Late Ramayan Singh, Resident of Village-
Gamhriya, Post Gorakh Parsi, P.S. Karakat (Gorari), Distt. Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subash Kumar, Adv.

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 15-01-2018 This application has been filed to set aside the order

dated 6.7.2013 passed by the learned Sub Judge-V, Sasaram,

Rohtas in Title Suit No. 193 of 2012 whereby and whereunder the

learned Court below rejected the petition filed on behalf of the

plaintiff under Order 40 of Code of Civil Procedure.

Heard learned counsel for the petitioner.

Learned counsel for the petitioner fairly concedes

that the order passed under Order 40 Rule 1 of Code of Civil

Procedure is appealable order for which an appeal ought to have



been filed under the provision of Order 43 Rule 1 (s) of Code of Civil Procedure. The suit before the court below was filed in the year 2012 and since then more than five years have already passed over.

In view of above facts, this application is not maintainable and is accordingly dismissed.

(Sanjay Kumar, J)

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