

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.366 of 2018

Anil Kumar Sinha and Anr

... .. Appellant/s

Versus

The State Of Bihar and Anr

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhubneshwar Prasad
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-04-2019 The appellants have filed this second appeal against the judgment and decree passed in Eviction Appeal No.69 of 2007 by which the learned Additional District Judge, Samastipur remanded the case to the trial court for hearing the suit afresh in accordance with law. The order is admittedly passed under Order 41 Rule 23 or 23-A of C.P.C., which is appealable under Order 43 Rule 1(U) of C.P.C. and, therefore, the objection of the stamp reporter about the maintainability of the second appeal is correct.

Learned counsel for the appellants prays for four weeks' time to convert this second appeal into miscellaneous appeal under Order 43 Rule 1(U) of C.P.C.

Prayer is allowed.

Learned counsel for the appellants is permitted to make necessary correction in the memo of appeal within four



weeks failing which the appeal shall stand dismissed without further reference to the Bench.

(Prabhat Kumar Jha, J)

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