

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No. 1042 of 2018

Most. Radha Devi Wife of Late Baldeo Rai Resident of Village- Upharpura,
Post- Sahay Nagar, Police Station- Phulwarisharif, District- Patna.

... .. Appellant/s

Versus

1. Dayawati Devi Wife of Sri Brij Nandan Singh Resident of Hari Rampur Colony, Digha Ghat, P.S.- Digha, District- Patna.
2. Dilip Kumar Son of Pradip Kumar Resident of Harnichak, Police Station- Phulwarisharif, District- Patna.
3. Santosh Kumar Son of Dip Narain Singh Resident of Harnichak, Police Station- Phulwarisharif, District- Patna.
4. Satish Kumar Son of Dip Narain Singh Resident of Harnichak, Police Station- Phulwarisharif, District- Patna.
5. Krishna Singh Son of Sri Ramdeo Singh Resident of 1/10 Wzakarsection Flat, Lohiya Nagar, Police Station- Kankarbagh Colony, District- Patna- 20.
6. Sushree Suman Son of Sri Krishna Singh Resident of 1/10 Wzakarsection Flat, Lohiya Nagar, Police Station- Kankarbagh Colony, District- Patna- 20.
7. Ganesh Dutt Jha Son of Sri Sone Lal Jha Resident of Gardanibagh Road No. 6D, Police Station- Gardanibagh, District- Patna (Bihar).
8. Rameshwar Rai Son of Late Yadu Nandan Rai Resident of New Police Line, Pariwahan Mukhyalaya, Patna, P.S. Budha Colony, District- Patna.
9. Tarkeshwar Prasad Yadav Son of Gayadin Prasad Yadav Resident of Golghar Park Road, P.S.- Gandhi Maidan, District- Patna.
10. Darshani Devi Wife of Raj Kumar Yadav Resident of Village and Police Station- Kanchanpur, P.S.- Bihta, District- Patna.
11. Sudama Devi Wife of Resident of Village- Upharpura, Police Station- Phulwarisharif, District- Patna.
12. Dilip Kumar Son of Ram Babu Rai Resident of Village- Upharpura, Police Station- Phulwarisharif, District- Patna.
13. Gayatri Devi Wie of Sri Dinesh Prasad Singh Resident of Village- Upharpura, Police Station- Phulwarisharif, District- Patna.
14. Radha Krishna Singh Son of Ram Singhasan Singh Resident of Village- Upharpura, Police Station- Phulwarisharif, District- Patna.
15. Gaurav Kumar Singh Son of Sri Arjun Singh Resident of Village- Kaura, Police Station- Jagdishpur, District- Bhojpur (Arrah).
16. Rana Vijay Bahadur Son of Late Ram Ngina Singh Resident of Village- Karsa Kothi, Post and P.S.- Bikram, District- Patna.
17. Vijay Shankar Rai Son of Late Baldeo Rai Resident of Village- Upharpura, Post- Sahay Nagar, Police Station- Phulwarisharif, District- Patna.
18. Vinay Shankar Rai Son of Late Baldeo Rai Resident of Village- Upharpura, Post- Sahay Nagar, Police Station- Phulwarisharif, District- Patna.



19. Santosh Kumar Rai Son of Late Baldeo Rai Resident of Village- Upharpura, Post- Sahay Nagar, Police Station- Phulwarisharif, District- Patna.
20. Manju Devi Daughter of Late Baldeo Rai Resident of Village- Upharpura, Post- Sahay Nagar, Police Station- Phulwarisharif, District- Patna.
21. Indu Devi Daughter of Late Baldeo Rai Resident of Village- Upharpura, Post- Sahay Nagar, Police Station- Phulwarisharif, District- Patna.
22. Rekha Devi Daughter of Late Baldeo Rai Resident of Village- Upharpura, Post- Sahay Nagar, Police Station- Phulwarisharif, District- Patna.
23. Renu Devi Daughter of Late Baldeo Rai Resident of Village- Upharpura, Post- Sahay Nagar, Police Station- Phulwarisharif, District- Patna.
24. Kamlesh Kumar @ Prem Kumar Rai Son of Late Jugal Rai Resident of Village- Upharpura, Post- Sahay Nagar, Police Station- Phulwarisharif, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Akhauri Kamal Kishore Sahay
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 18-11-2019 Heard learned counsel for the appellant and learned counsel for the respondent.

The present miscellaneous appeal has been filed against the order dated 15.09.2018 passed by Sub-Judge-VI, Danapur, Patna, in Title Suit No. 56 of 2009, by which he has rejected the application filed by the plaintiff-appellant under Order 39 Rule 1 and 2 of CPC, but the office has pointed out that appeal before the High Court against the suit valued at Rs. 2,50,000/- is not maintainable.

In view of the above, learned counsel for the appellant seeks permission to withdraw this application in order to enable him to file miscellaneous appeal against the impugned order



before appropriate court having pecuniary jurisdiction over the matter.

This application is dismissed as withdrawn with the aforesaid liberty.

The Court where the appeal will be filed against the impugned order, said Court shall consider the delay in filing appeal, keeping in view the fact that this matter remained pending before this Court.

(S. Kumar, J)

ranjan/-

U			
---	--	--	--

