

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.456 of 2019

Jyotiendra Kumar Sharan

... .. Appellant/s

Versus

Pushpa Sharan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kumari Jyoti
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

3 08-08-2019 The present Miscellaneous Appeal has been filed against the order dated 12.03.2019, passed by learned Additional Principal Judge, Family Court, Patna in Maintenance Case No. 3(m) of 2010, whereby and whereunder the petition dated 17.09.2018, preferred by the defendant-appellant for recall of the order whereby the evidence of defendants were closed and to allow the appellant to examine his witnesses, has been rejected.

Since the order under challenge is an interlocutory order, as prayed for, the learned counsel appearing for the appellant is permitted to convert this Miscellaneous Appeal into Civil Miscellaneous Application under Article 227 of the Constitution of India in view of the ratio laid by a division



Bench in the case of ***Durga Devi & Ors. Vs. Vijay Kumar Poddar & Ors.***, reported in ***2010(2) P.L.J.R. 954*** by 19th August, 2019, failing which this appeal shall stand rejected without further reference to the Bench.

On conversion, the present Miscellaneous Appeal shall stand disposed of.

(Dinesh Kumar Singh, J)

(Arvind Srivastava, J)

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