

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.450 of 2020

Shukan Chodhary Son of late Jaykrishna Chodhary, Resident of Village- Sultanpur, P.S. Kusheshwar Asthan, District- Darbhanga.

... .. Petitioner

Versus

1. Kamlesh Chodhary Son of late JayKrishna Chodhary, Resident of Village- Sultanpur, P.S. Kusheshwar Asthan, District- Darbhanga.
2. Ramjanki Chodhary, Son of late JayKrishna Chodhary, Resident of Village- Sultanpur, P.S. Kusheshwar Asthan, District- Darbhanga.
3. Satyendra Chodhary, Son of late Jaykrishna Chodhary Resident of Village- Sultanpur, P.S. Kusheshwar Asthan, District- Darbhanga.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 21-02-2022 Learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Vide impugned order, the Survey Appeal No. 12 of 2008 has been dismissed in default by the learned sub-Judge, Darbhanga.

The present civil miscellaneous petition is not maintainable. The petitioner may, if so advised, take the remedies provided under the Code of Criminal Procedure, 2019.

If the petitioner files the petition for re-admission of the appeal along with a petition under Section 5 of the Limitation Act



for condoning the delay, the learned court below may take notice of the fact that some delay has been caused in preferring present civil miscellaneous petition.

With these observations, the civil miscellaneous petition is dismissed as not maintainable.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 herein-above, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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