

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.18 of 2020

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Kartik Prasad Verma Son of Late Triveni Ram Sonar, Resident of P.P. Road,
Purana Jahaj Ghat, Buxar, Ward No. 13, P.O. Buxar, P.S. Buxar Nagar,
District- Buxar.

... .. Appellant/s

Versus

1. Arjun Prasad Son of Late Triveni Ram Sonar, Resident of P.P. Road, Purana Jahaj Ghat, Ward No. 13, P.O. Buxar, P.S. Buxar Nagar, District - Buxar.
2. Surendra Kumar, Son of Late Triveni Ram Sonar, Resident of P.P. Road, Purana Jahaj Ghat, Ward No. 13, P.O. Buxar, P.S. Buxar Nagar, District - Buxar.
3. Rajendra Prasad, Son of Late Triveni Ram Sonar, Resident of P.P. Road, Purana Jahaj Ghat, Ward No. 13, P.O. Buxar, P.S. Buxar Nagar, District - Buxar.
4. Ganesh Prasad Verma, Son of Arjun Prasad, Resident of P.P. Road, Purana Jahaj Ghat, Ward No. 13, P.O. Buxar, P.S. Buxar Nagar, District - Buxar.
5. Sanjeet Kumar Verma, Son of Surendra Kumar, Resident of P.P. Road, Purana Jahaj Ghat, Ward No. 13, P.O. Buxar, P.S. Buxar Nagar, District - Buxar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bishwa Nath Chaudhary, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 18-07-2022 Heard learned counsel for the appellant.

Perused the office note dated 15.7.2022 which
relates to defect no. 30 pointed out by stamp report dated
23.9.2020.

As per the defect, the suit value given in the decree is
Rs. 2,50,000/- whereas in the memo of appeal it has been
mentioned as Rs. 10,13,000/-.

It is submitted by learned counsel for the appellant



that on the suit being filed by the plaintiff-appellant, the suit value was initially given as Rs. 2,50,000/-. Subsequently, on the written statement being filed on behalf of the defendant no. 1, on the dispute raised therein that the suit should have been valued as Rs. 10,13,000/-, the plaintiff-appellant deposited the Court fee treating the suit value to be Rs. 10,13,000/-. However, inadvertently proper amendment in the suit value in plaint could not be made.

Irrespective of the above, the position is that the suit value mentioned in the title suit is Rs. 2, 50,000/-.

In view of the above, learned counsel for the appellant seeks permission to withdraw this appeal praying that the memo of appeal be returned to be presented before the District Judge concerned.

Let the memo of appeal along with the certified copy of the impugned judgment and decree be returned to the learned counsel for the appellant after retaining a photo copy of the same on record within three days from today.

As per the office note, the instant appeal was filed in this Court in time. Thus, in case the appeal is presented before the learned District Judge concerned within 14 days from today, the learned District Judge shall treat the appeal to have been



filed in time and proceed with the same in accordance with law.

This appeal stands dispose off.

Office is further directed to send the lower court records to the learned Court below.

(Partha Sarthy, J)

Prakash/-

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