

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.37 of 2023

In
FIRST APPEAL No.8 of 2014

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Musmat Bachani Kuer W/O Late Basudeo Mishra Resident of Mauza-
Machahalpur P.S. - Sonhan, District- Kaimur At Present (Village and P.S.-
Bhagwanpur), District- Kaimur.

... .. Petitioner/s

Versus

1. Smt. Punam Mishra W/O Ramayan Mishra
2. Ramayan Mishra Son of Late Rambriksh Mishra Resident of Village-
Machahalpur, P.O.- Mahuari, P.S.- Sonhan, Distt- Kaimur(Bhabua).
3. Sudama Mishra son of Late Rambriksh Mishra Resident of Village-
Machahalpur, P.O.- Mahuari, P.S.- Sonhan, Distt- Kaimur(Bhabua).
4. Radheshyam Mishra Son of Late Rambriksh Mishra Resident of Village-
Machahalpur, P.O.- Mahuari, P.S.- Sonhan, Distt- Kaimur (Bhabua).
5. Kashinath Pandey S/O- Nand Kishor Pandey R/V- Dekahari, P.S.-
Bhagwanpur, District- Kaimur.
6. Pritam Mishra S/O- Ambika Mishra, R/V- Machahalpur, P.O.- Mahuari, P.S.-
Sonhan, Distt- Kaimur (Bhabua)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Sahay, Advocate
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-03-2023 The instant application has been filed by the

appellant praying for modification of the order dated 26.9.2022

passed in F.A. no. 8 of 2014.

The appeal (F.A. no 8 of 2014) was disposed of vide

order dated 26.9.2022 (Annexure-1) in the following terms:

“In view of the above, the appeal is
disposed of as not maintainable in view of the
pecuniary jurisdiction on the amendment as stated
above, with liberty to the appellant to move before



the learned District Judge concerned within a period of four weeks from today along with the limitation petition.

The learned District Judge will take into consideration the filing and pendency of the appeal in this Court in deciding the limitation petition in accordance with law.”

It is submitted by learned counsel for the appellant that due to the order dated 26.9.2022 not having been communicated to the appellant, the appeal could not be filed within the time granted. As such, it is prayed that the order be suitably modified.

The order dated 26.9.2022 passed in F.A. no. 8 of 2014 is modified to the extent that the appellant who was directed to file the appeal before the learned District Judge within a period of four weeks with effect from the date of order ie. 26.9.2022 may file the appeal within four weeks from today (22.3.2023).

Remaining part of the aforesaid order dated 26.9.2022 shall remain unchanged.

The application stands allowed to the above extent.

(Partha Sarthy, J)

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