

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.106 of 2017

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1. Jayanti Devi and Anr wife of Basant Kumar Singh and daughter of Late Kishori Prasad Singh
 2. Girish Prasad Singh son of Late Kishori Prasad Singh Both residents of village Guramiya, P.O. Guramiya, P.S. Lalganj, District Vaishali.

... .. Petitioner/s

Versus

1. Kaushalaya Devi and Ors wife of Late Ram Chandra Sahani
2. Ramesh Sahani
3. Ram Nath Sahani
4. Jay Nath Sahani all sons of Late Ram Chandra Sahani
5. Batahi Devi daughter of Late Ram Chandra Sahani
6. Jogendra Sahani
7. Rajendra Sahani both sons of Late Ram Bilash Sahani
8. Most. Kamleshwari Devi w/o Late Mahendra Sahani
9. Lakhia Kumari
10. Kamini Kumari both daughters of Late Mahendra Sahani
11. Ratan Kumar
12. Batan Kumar both sons of Late Mahendra Sahani
13. Ramesh Sahani son of Ram Chandra Sahani All residents of village and P.O. Guramiya, P.S. - Lalganj, District - Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 28-03-2023 This Civil Revision application has been filed against the judgment and order dated 21.04.2017 passed by learned Sub-Judge-VIII, Vaishali at Hajipur whereby the learned trial court allowed the application filed by the defendant no.2 dated 01.03.2014 and dismissed the suit holding the suit is barred under the provision of Section 37 of the Bihar Consolidation of



Holdings (Prevention of Fragmentation Act) Act, 1956.

By the impugned order, the learned trial court had rejected the plaint/suit. The rejection of plaint/suit is decreed under the meaning of Section 2(2) of the Code of Civil Procedure. The order was therefore appealable in terms of Section 96 of the Code of Civil Procedure. The order being appealable, the present Civil Revision application is not maintainable.

The learned counsel for the petitioner seeks permission to withdraw this Civil Revision application with liberty to file a regular appeal before the appropriate forum.

In the aforesaid facts and circumstances, liberty is granted to file appeal before the appropriate forum.

The learned appellate court is directed to consider the period consumed in filing of the Civil Revision application in limitation matter if the appeal is filed within thirty days from today.

With the aforesaid observation, the Civil Revision application is disposed of as not maintainable.

(Khatim Reza, J)

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