

Miscellaneous Appeal No.211 of 2014

Niyaz Ahmad son of Late Md. Abbas, resident of Mohalla Paigambarpur alias
Sobhan Pragana Paschim Bigho, Police Station Sadar, District Darbhanga

... .. Appellant/s

Versus

1. HUSHNA BEGAM and ORS
2. Hushna Begam, second wife of Late Md. Abbas, Resident of Imambadi, Police Station and P.O. Laheria Sarai, District Darbhanga
3. Abdul Rab
4. Abdul Gani
5. Abdul Ali Azahar alias Laddu
6. Sami Ashraf
7. Sabbi
8. Jiyaullaha
9. Sarfe Alam
10. Istaba 3 to 10 all are sons of Late Md. Abbas (from second wife) and resident of Mauza Paigambarpur alias Sobhan Pragana Pashchim Bigho, Police Station Sadar, District Darbhanga
11. Baby wife of Md. Nafis
12. Talat wife of Md. Anbar Alam
13. Samma wife of Sanahullaha 11 to 13 are resident of Mauza Imambadi, P.O. and P.S. Lahariasarai, District Darbhanga
14. Suffi wife of Nadim, resident of Mohalla Lalbagh, P.O. Lalbagh, Police Station Town, District- Darbhanga. All 11 to 14 are daughter from second wife

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Iqbal Asif Niazi
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

9 13-04-2023 This M.A has been filed under Order 43 Rule 1 of C.P.C
against the impugned order dated 15.01.2014 passed by Ld.
Sub-Judge-IV Darbhanga in partition suit no. 214 and 2009,
whereby application of the the appellant filed under Order 40



Rule 1 CPC, whereby appointment of receiver was sought, has been dismissed.

Learned Counsel for the respondent submits that this appeal is not maintainable before this court on account of valuation of the suit. This appeal lies before concerned District Judge.

Learned Counsel for the appellant fairly accepts the objection raised on behalf of the respondent and prays for sending this appeal before the concerned District Judge i.e Ld. District Judge, Darbhanga, Bihar to proceed as per law.

Considering the aforesaid facts and circumstances, Office is directed to send this appeal to Ld. District Judge, Darbhanga, Bihar for proceeding as per law.

It is disposed of accordingly.

(Jitendra Kumar, J)

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