

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.169 of 2023

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Sajila Khatoon @ Sarila Khatoon Wife of Md. Munna, resident of Mohalla-Alamganj, P.S.-Alamganj, Town and District-Patna.

... .. Petitioner/s

Versus

1. Zulfikar Haidar Son of Haji Mustafa Ahmad, Resident of Momin House, Kalami Mohalla, P.O. and P.S.-Aurangabad, District-Aurangabad.
2. Hafiz Mansoor Alam, son of Late Abdul Wadood, resident of Village-Sigori, P.O. and P.S.-Sigori, District-Patna.
3. Md. Naushad Alam, son of Hafiz Mansoor Alam, resident of Village-Sigori, P.O. and P.S.-Sigori, District-Patna.
4. Md. Rizwan Alam, son of Washi Ahmad, resident of Mohalla-Karbala Naya Tola, Police Station-Phulwarisharif, District-Patna.
5. Md. Mumtaz Arfi, son of Md. Mustafa, resident of Isha Nagar, Naya Tola, Phulwarisharif, P.S.-Phulwarisharif, District-Patna.
6. Rukshana Khatoon Wife of Akhtar Mohammad Mustaqueem, resident of Shahjahan Lane, Maulabagh, Naya Tola, Phulwarisharif, Police Station-Phulwarisharif, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Sr. Advocate Mr. Akshansh Ankit, Advocate
For the Respondent/s	:	Mr. Deepak Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 29-04-2024 Heard learned senior counsel appearing on behalf of the petitioner.

02. The instant civil misc. application has been filed under Article 227 of the Constitution of India against the order dated 21.10.2020 passed by the learned Sub. Judge-VIII, Patna in Misc. Case No. 51 of 2017, which has been filed under Order 21 Rule 97 read with Section 151 of the Code of Civil Procedure, 1908 (for short 'the Code').



03. Apparently, Misc. Case No. 51 of 2017 has been disposed of vide impugned order dated 21.10.2020, which is a final order and against such order, a civil revision application under Section 115 of the Code would lie.

04. Learned senior counsel insisting upon the Court that the Court should take up the matter and decide it even under Article 227 of the Constitution of India, but I think such submission is to be specious. When there is specific provision under any of the statutory provision, a petition under Article 227 of the Constitution of India would normally not lie.

05. Under the circumstances, learned counsel for the petitioner is permitted to convert the present civil miscellaneous application into civil revision application under Section 115 of the Code within two weeks. So far as issue of limitation is concerned, Section 14 of the Limitation Act would naturally be taken into consideration by the office.

06. Office is directed to do the needful accordingly.

(Arun Kumar Jha, J)

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