

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.41 of 2018

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Arun Kumar Singh @ Arun Singh

... .. Appellant/s

Versus

Hareram Yadav and Ors

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumar Mritunjay Narain, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

9 22-10-2024 Today this case been listed under the heading “To Be
Mentioned.”

2. On the objection of the stamp reporter, this appeal has come for hearing on the point of maintainability of this Second Appeal.

3. The stamp reporter has objected that against the impugned judgment and decree, Miscellaneous Appeal under Order 43 Rule 1(u) of the Code of Civil Procedure would lie.

4. The impugned judgment has been passed under Order 41 Rule 25 of the Code of Civil Procedure. There is no provision in Order 43 Rule 1(u) of the Code of Civil Procedure to challenge aforesaid impugned Judgment. The proper remedy against the impugned judgment is by way of filing civil revision under Section 115 of the Code of Civil Procedure.

5. Learned counsel for the appellant is directed to



convert the instant Second Appeal into civil revision within four weeks.

(Khatim Reza, J)

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