

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1116 of 2023

Vikash Kumar, Son of Late Kaushal Kumar Singh Resident of Village-
Sadanandpur, P.S.- Ballia, District- Begusarai.

... .. Petitioner/s

Versus

1. Kumari Asha Devi @ Asha Singh ,Wife of Sri Dharm Hari Prasad Narayan Singh, Resident of Mohalla- Krishnabag, Nagwa, N/69, P.S.- Lanka, District- Varanasi (U.P.).
2. Sri Avinash Kumar Sharma, Son of not known, heirs and Husband of Late Kumari Rita Devi Resident of Village- Riga, P.O.- Riga, District- Sitamarhi.
3. Niritilux @ Anurag, Heirs and Son of Late Kumari Rita Devi Resident of Village and P.O.- Riga, District- Sitamarhi.
4. Aprajita @ Kangana, Heirs and Daughter of Late Kumari Rita Devi and Wife of Navin Kumar Resident of Village and P.O.- Shebai Patti, P.S.- Badpatti, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Indu Bhushan, Advocate
For the Respondent/s : Mr. Vikas Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 15-04-2024 Heard learned counsel for the petitioner and the
learned counsel for the respondents.

02. The present petition has been filed against the order dated 04.08.2022 passed by the learned Additional District Judge-IV, Begusarai in Miscellaneous Appeal No. 03 of 2020. But, from perusal of the impugned order, I find that the Misc. Appeal has not been finally disposed of as the matter was ordered to be put up on 12.08.2022 for further hearing. It appears that the petitioner has approached this Court during pendency of the aforesaid Misc. Appeal No. 03 of 2020, which



was filed against the order dated 11.02.2020 passed by the learned Sub-Judge, Ballia (Begusarai) in Title Suit No. 449 of 2012 on an application filed by the plaintiff/petitioner under Order 39 Rule 1 and 2 read with Section 151 of the Code of Civil Procedure.

03. Evidently, the present Civil Misc. Petition is not maintainable. Whether the petitioner's misc. appeal is pending or disposed of would hardly affect the maintainability of the present petition. If the Misc. Appeal No. 03 of 2020 is pending, the present Civil Misc. Petition is not maintainable and if it has been disposed of, the same has not been challenged before this Court under Article 227 of the Constitution of India.

04. Under the circumstances, I do not think the present petition is maintainable. Accordingly, it is dismissed.

(Arun Kumar Jha, J)

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