

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.310 of 2024

Shakuntala Devi Agarwal Wife of Bajranj Prasad Agarwal Resident of Flat No. 401, 402, Goenka Complex, Guru Govind Path, Near Marwari High School, P.S.- Chowk, District- Patna.

... .. Petitioner/s

Versus

1. Smt. Sumitra Devi Wife of Late Ramniwas Agarwal Resident of Guru Govind Path, P.S.- Chowk, District- Patna, Presently residing at Flat No. C-602, Kaushalya Estate Apartment, Bandar Bagicha Lane, Shree Ram Chowk, P.S.- Kotwali, District- Patna.
2. Smt. Meena Khemka Daughter of Ramniwas Agarwal, Wife of Amitav Khamka Resident of Guru Govind Path, P.S.- Chowk, District- Patna, Presently residing at Flat No. C-602, Kaushalya Estate Apartment, Bandar Bagicha Lane, Shree Ram Chowk, P.S.- Kotwali, District- Patna.
3. Smt. Shilpy Agarwal Daughter of Ramniwas Agarwal, Wife of Sri Abhishek Sultani Resident of Guru Govind Path, P.S.- Chowk, District- Patna, Presently residing at Flat No. C-602, Kaushalya Estate Apartment, Bandar Bagicha Lane, Shree Ram Chowk, P.S.- Kotwali, District- Patna.
4. M/S Patna Wire and Wire Product A registered partnership concern under the Indian Partnership Act, situated at Mohalla- Mogulpura, P.S.- Khajekalan, District- Patna through its partner Ram Niwas Agarwal (Deceased).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shambhu Narayan Singh, Advocate Mr. Suraj Kr. Tiwari, Advocate
For the Respondent/s	:	Mr. Mohit Agrawal, Advocate Mr. Lokesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-04-2025 Heard learned counsel for the petitioner as well as learned counsel for the respondents.

2. The instant civil miscellaneous petition has been filed against the order dated 09.02.2024 passed by learned Sub Judge-II, Patna City, Patna in Title Suit No. 125 of 2008 whereby and whereunder the learned trial court rejected the



petition dated 09.01.2024 filed by defendant/petitioner under Order 7 Rule 11(a) and (d) of the Code of Civil Procedure (for short ‘the Code’).

3. It is apparent that if the application of the defendant/petitioner would have been allowed, that would have resulted the end of the proceeding before the learned trial court and against such order, only civil revision petition under Section 115 of the Code is maintainable.

4. Faced with the situation, learned counsel for the petitioner seeks permission to convert the present civil miscellaneous petition into a civil revision petition.

5. As prayed, learned counsel for the petitioner is permitted to do so within two weeks.

6. Office is directed to extend all cooperation to the learned counsel for the petitioner towards this conversion.

(Arun Kumar Jha, J)

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