

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.128 of 2014

1. Bhikham Singh and Anr. S/o Late Ram Parikha Singh
2. Sriman Narain Singh S/o Late Ram Parikha Singh Both resident of Village - Manoharpur, P.O. - Mahila, Anchal and P.S. - Intarhi, Distt - Buxar.

... .. Appellant/s

Versus

1. Dulhin Srikanti Devi and Ors. Wife of Sri Anil Singh a resident of village - Kudarian, P.O. - Nenua, P.S. and Anchal - Dumraon, Distt. - Buxar.
2. Mulayam Singh
3. Atal Singh Both minor sons of Sriman Narain Singh residents of Village - Manoharpur, P.O. - Mahila, Anchal and P.S. - Intarhi, Distt - Buxar.
4. Most. Sankaliya @ Talukiya Devi W/o Brij Bilash Ahir a resident of Village - Manoharpur, P.O. - Mahila, P.S. - Rajpur Intarhi, Distt - Buxar.
5. Dulhin Mutari Devi W/o Manoj Singh At and P.O. - Nandan, Anchal and P.S. - Dumraon, Distt - Buxar.
6. Dulhin Neelam Devi W/o Mahendra Singh of Village - Damdiha, P.O. - Awari, P.S. - Dawath, Distt - Rohtas.
7. Most. Jhagari Devi W/o Late Ram Parikha Ahir resident of Village - Manoharpur, P.O. - Mahila, Anchal and P.S. - Intarhi, Distt - Buxar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nitesh Kumar, Advocate
For the Respondent/s : NONE

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

8 12-12-2025 Learned counsel for the petitioner submits that as per the Bengal, Agra and Assam Civil Courts (Bihar Amendment) Act, 2013; (Bihar Act 14, 2014) wherein the said Act in Clause (a) of Sub-section (1) of Section-21 the words "Two lacs rupees" shall be substituted by the number, bracket and words "rupees 10,00,000/-(rupees Ten lacs)". He further submits that appeals from suits having valuation of less than Rs. 2 lakhs and filed on



or after 01.10.1996 but before 19.02.2005 should be treated to have been filed before the proper Court and transferred to this Court for decision under Section 24 of the Code of Civil Procedure. He further prays that in light of judgment rendered by Co-ordinate bench of this Court in **Ramsagar Kewat v. Shivaia Kewat** reported in **2005 (3) PLJR 360** the present case be transferred to the competent trial Court as co-ordinate bench in aforesaid case observed in para 8 and 9 that:

“8. In these cases it was submitted on behalf of the appellants that hardship has arisen on account of non-communication of copies of the Gazette notification containing the Amendment Act and hence a similar approach be adopted in respect of appeals filed till 19.2.2005 when the Gazette notification was made available to the Stamp Reporter of this Court or at least till 16.2.2005 when the Amendment Act was noticed by the Hon'ble Acting Chief Justice. No doubt, the issue of hardship in such circumstances has to be considered and addressed because procedural laws are meant to subserve ends of justice and not to thwart it. The notes of the Registrar General points out that a large number of appeals have been filed and entertained by this Court after the Gazette notification dated 1.10.1996 because its communication was delayed by several years. Objections on the basis of amended pecuniary jurisdiction of District Judges to hear such appeals could be raised by the Stamp Reporter of this Court only on or after 19.2.2005. Prior to that several appeals must have been disposed of on account of defects not removed or on



merits and many valuable rights decided by way of orders on abatement, injunction etc. Such a situation has arisen because of no fault of the litigants. Fault if any is of the State and this Court hence a just solution must be found to protect the innocent litigants from hardship. For that purpose and to protect the interest of justice it is made clear that the appeals filed prior to 1.10.1996 shall have to be heard by this Court. Appeals from suits having valuation of less than Rs. 2 lakhs and filed on or after 1.10.1996 but before 19.2.2005 should be treated to have been filed before the proper court and transferred to this Court for decision under Section 24 of the Code of Civil Procedure. All orders passed in such appeals should be treated to be by a court of competent jurisdiction. Such appeal which are still pending in this Court may now be transferred to the court of respective District Judges competent to hear such appeals. After the records are received by the Court concerned on such transfer such courts will proceed in those appeals from the point at which it is transferred. The office should list such matters for orders at the earliest indicating that such appeals are for formal orders of transfer to respective courts so that concerned parties who have already appeared may have notice of such transfer. Out of present 15 appeals 11 belong to this category. Only F.A. 72, 73, 76 and 77 of 2005 have been filed in March 2005. Hence, the rest 11 appeals are ordered to be transferred to courts of concerned District Judges.

9. So far as appeals filed on or after 19.2.2005 having suit valuation less than Rs. 2 Lakhs are concerned the memorandum of those appeals be returned to the appellants or their counsel at the earliest, preferably within two weeks for



being presented or filed before the District Judge concerned. The District Judge in such cases shall condone the delay in filing the appeal if it was filed within time in this Court and if filed within 14 days from the date of receipt of memorandum of appeal from the office of this Court. In other cases if application under Section 5 of the Limitation Act 1963 is filed, the District Judge shall dispose of the same in accordance with law. It is made clear that F.A. 72, 73, 76 and 77 of 2005 belong to this category. The office notes and objections of the Stamp Reporter in these appeals are disposed of accordingly.”

2. From perusal of records along with Bihar Gazette with regard to the Bengal, Agra and Assam Civil Courts (Bihar Amendment) Act, 2013 (Bihar Act 14, 2014) vide Bihar Gazette (Extraordinary) dated 25.08.2014 (सं० Patna 697) and aforementioned judgment, it is clear that appeals having suit value for more than two lakhs and up to ten lakhs will be dealt with by the District Judge, competent to hear such appeals and suit value more than ten lakhs will be taken up by the High Court. Hence, in the light of the recent amendments and as per Section 24 of the CPC, the present appeal whose suit value is less than ten lakhs i.e., Rs. 9,70,115 be transferred to the Court of respective competent District Judges to hear such appeal.

3. Office is directed to remit back the present case to the concerned trial Court along with the lower Court records for proper adjudication of this case and the trial Court is directed to



dispose off the present case accordingly.

(Ramesh Chand Malviya, J)

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