

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.746 of 2024

Imran Sabir Baig

... .. Petitioner/s

Versus

Mirza Qaisar Baig @ Qaisar Baig & Ors.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Majid Mahboob Khan, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-05-2025 The record taken up on mentioning being made on behalf of the petitioner.

2. The learned counsel for the petitioner submits that the petitioner is aggrieved by the order dated 06.05.2024 passed by the learned Sub Judge-I, Darbhanga in Partition Suit No. 62 of 2021 whereby and whereunder the learned trial court rejected the application dated 16.02.2024 filed under Order 39 Rule 1 & 2 read with Section 151 of the Code of Civil Procedure (hereinafter referred to as 'the Code'). The learned counsel further submits that against the impugned order, remedy lies in filing miscellaneous appeal under Order 43 Rule 1 (r) of the Code and inadvertently, the present civil miscellaneous petition has been filed. Therefore, the learned counsel seeks permission to convert the instant civil miscellaneous petition into miscellaneous appeal.



3. Prayer is allowed.

4. The learned counsel for the petitioner is directed to convert the present petition into miscellaneous appeal within two weeks of opening of the court after summer vacation.

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

(Arun Kumar Jha, J)

V.K.Pandey/-

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