

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.107 of 2024

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Md. Sageer Alam Son of Late Md. Mofid Alam Resident of village- Bilaspur,
P.S.- Hayaghat, District- Darbhanga (Bihar).

... .. Petitioner/s

Versus

Dr. Abul Kalam Son Abdul Wahid, Resident of village- Bilaspur, P.S.-
Hayaghat, District- Darbhanga (Bihar).

... .. Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.
For the Opp. Party/s : Mr. Kameshwar Pd. Gupta, GP-10
Mr. Deepanjali Gupta, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 09-01-2025 Heard both sides.

2. This civil revision application has been filed against the judgment and decree dated 26-04-2024 passed by the learned Sub Judge-II, Darbhanga in Eviction Suit No. 03 of 2011. The said eviction suit was filed for eviction of the defendant from the suit premises on the ground of default and personal necessity and also for declaration of sale deed dated 27-05-2011 as sham and without consideration and inoperative. The proper remedy seems to lie by way of filing memo of appeal before the learned District Judge concerned, in view of the enhancement of pecuniary jurisdiction of the learned District Judge. Hence, the civil revision application is not maintainable.

3. Learned counsel for the petitioner seeks permission to withdraw the present civil revision application with liberty to



file it before proper forum.

4. Considering the remedy in law against impugned judgment and valuation of the suit, prayer is allowed. Accordingly, this application is dismissed as withdrawn.

5. It is made clear that the time consumed in the High Court shall be considered on the point of limitation before the District Judge.

6. Learned counsel for the petitioner submits that civil revision application may be returned along with its certified copy of the impugned judgment and decree.

7. Considering the aforesaid facts, the office is directed to return the civil revision application along with certified copy of impugned judgment and decree to the learned counsel for the petitioner within two weeks.

(Khatim Reza, J)

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