

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1288 of 2024

1. Sudama Singh, Son of Late Guput Singh, Resident of Village and Post office- Raipurchor, Police Station- Sheosagar (Baddi), District- Rohtas.
2. Motijharo Kuwar, Wife of Late Sudarshan Singh, Resident of Village and Post office- Raipurchor, Police Station- Sheosagar (Baddi), District- Rohtas.

... .. Petitioner/s

Versus

1. Sudeshwar Singh Son of Late Guput Singh Resident of Village and Post office- Raipurchor, Police Station- Sheosagar (Baddi), District- Rohtas.
2. Nitu Devi Wife of Sudeshwar Singh Resident of Village and Post office- Raipurchor, Police Station- Sheosagar (Baddi), District- Rohtas.
3. Dineshwar Singh Son of Late Guput Singh Resident of Village and Post office- Raipurchor, Police Station- Sheosagar (Baddi), District- Rohtas.
4. Baljeet Singh Son of Late Sudarshan Singh Resident of Village and Post office- Raipurchor, Police Station- Sheosagar (Baddi), District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-04-2025 The record taken up on mentioning being made on behalf of the petitioners.

2. The learned counsel for the petitioners submits that the petitioners are aggrieved by the order dated 22.08.2024 passed by the learned Sub Judge-I, Rohtas at Sasaram in Title Suit No. 133 of 2024 whereby and whereunder the learned trial court rejected the application dated 03.01.2024 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 petitioners is directed to convert the present petition into miscellaneous appeal within four weeks.

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

(Arun Kumar Jha, J)

V.K.Pandey/-

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