

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4338 of 2024

In
FIRST APPEAL No.10 of 2014

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Rajiv Kumar S/o Late Vishwa Mohan Singh, Resident of Village and P.O.-
Bihat Tola Khemkaranpur, P.S. Barauni, District-Begusarai.

... .. Petitioner/s

Versus

1. Smt. Siromani Devi W/o Late Vishwa Mohan Singh, Resident of Village and P.O.-Bihat Tola Khem Karanpur, P.S. Barauni, District-Begusarai.
2. Sanjeev Kumar, minor S/o Late Vishwa Mohan Singh, Resident of Village and P.O.-Bihat Tola Khem Karanpur, P.S. Barauni, District-Begusarai.
3. Rahul Kumar, minor S/o Late Vishwa Mohan Singh, Resident of Village and P.O.-Bihat Tola Khem Karanpur, P.S. Barauni, District-Begusarai.
4. Ashok Singh, S/o Late Parmeshwari Singh, R/o Village and P.O.-Bihat Tola Ibrahimpur, P.S. -Barauni, District-Begusarai.
5. Naresh Sharma, S/o Durga Sharma, Resident of Village and P.O.-Bihat, P.S. Barauni, District-Begusarai.
6. Rinku Kumar, W/o Sri Manish Kumar, R/o Village-Ramdiri Tola Bhavanand pur, P.S.-Matihani, District-Begusarai.
7. Pinki Kumari, W/o Sri Pawan Kumar, R/o Village-Saidpur, P.S.-Piparia, District-Lakhisarai.
8. Rema Kumari @ Reena Kumari, D/o Sri Vishwa Mohan Singh, Resident of Village-Bihat Tola Khemkaranpur, P.S. Barauni, District-Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Md. Imteyaz Ahmad, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 12-12-2025 Heard learned counsel for the parties.

2. The instant application has been filed praying for recalling the order dated 6.7.2022 passed in First Appeal no. 10 of 2014.



3. The order dated 6.7.2022 is reproduced herein below:

“Heard learned counsel for the appellant.

Perused the office note dated 5.7.2022.

The suit from which the instant appeal has been preferred is valued at Rs. 4,50,101/-. In view of the change in the pecuniary jurisdiction as a result of amendment in section 21 of the Bengal, Agra and Assam Civil Courts (Bihar Amendment) Act, 2013, appeal from suits up to the value of Rs. 10 lacs would lie before the learned District Judge.

In view of the above, learned counsel for the appellant seeks permission to withdraw the appeal to move before the learned District Judge.

The appeal stands disposed of as withdrawn with the aforesaid liberty.”

4. It is submitted by learned counsel appearing for the petitioner that in view of the pecuniary jurisdiction as a result of amendment in section 21 of the Bengal, Agra and Assam Civil Courts (Bihar Amendment) Act, 2013 whereby appeal from suits up to the value of Rs. 10,00,000/- would lie before the learned District Judge, this Court taking into consideration the



said amendment, by its order dated 6.7.2022 permitted learned counsel for the appellant to withdraw the appeal to move before the learned District Judge.

5. Learned counsel for the petitioner submits that the appeal i.e. First Appeal no. 10 of 2014 was admitted by this Court by order dated 19.9.2014.

6. Learned counsel for the petitioner further relies on the judgment in the case of Bhim Singh vs. Mohan Lal Agarwala, 1991 (2) PLJR 325 and submitted that in similar circumstances, a Division Bench of the then Ranchi Bench of this Court held/observed that appeals with value up to Rs. 50,000/- and which have been admitted by this Court for hearing shall heard by this Court.

7. It is submitted that even after the amendment, the appeals already admitted was not transferred as a result of the change in the pecuniary jurisdiction. As such, in similar circumstances, learned counsel submits that the order dated 6.7.2022 allowing the withdrawal of the appeal be recalled and in view of the fact that the appeal has already been admitted prior to passing of the said order, the appeal may be heard by this Court itself.

8. Having heard learned counsel for the parties and



having perused the contents of the judgment relied upon by learned counsel for the petitioner, the Court finds substance in the submissions made by learned counsel for the petitioner.

9. In view of the facts and circumstances of the case, the order dated 6.7.2022 passed in First Appeal no. 10 of 2014 is recalled.

10. The case is restored to its original file to be heard in this Court.

11. The application stands allowed.

(Partha Sarthy, J)

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