

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.86 of 2025

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Smt. Sujata Verma @ Sujata Varma Wife of Sri Vijay Varma, Daughter of Late Rajendra Prasad, residing at 12, Mirza Ghalib Street, 3rd Floor, Flat No. 7, P.S. New Market, Kolkata, West Bengal - 700016.

... .. Appellant/s

Versus

1. Dinesh Kumar Son of Late Rajendra Prasad resident of Flat No. 36, Sri Kunj Apartment, Third Floor, East Boring Canal Road, P.S. Budha Colony, District - Patna, Bihar 800001. Permanent resident of Mohalla Asha Nagar, Pakki Gali, P.S. Sohsarai, District - Nalanda, Bihar - 803118.
2. Reedisha Verma Wife of Sri Rahul Rathi, Daughter of Sri Dinesh Kumar resident of Flat No. 36, Sri Kunj Apartment, Third Floor, East Boring Canal Road, P.S. Budha Colony, District - Patna, Bihar 800001. Permanent resident of Mohalla Asha Nagar, Pakki Gali, P.S. Sohsarai, District - Nalanda, Bihar - 803118.
3. Devisha Verma Wife of Sri Gaurav, Daughter of Sri Dinesh Kumar resident of Flat No. 36, Sri Kunj Apartment, Third Floor, East Boring Canal Road, P.S. Budha Colony, District - Patna, Bihar 800001. Permanent resident of Mohalla Asha Nagar, Pakki Gali, P.S. Sohsarai, District - Nalanda, Bihar - 803118.
4. Dipesh Verma Son of Sri Dinesh Kumar, resident of Flat No. 36, Sri Kunj Apartment, Third Floor, East Boring Canal Road, P.S. Budha Colony, District - Patna, Bihar 800001. Permanent resident of Mohalla Asha Nagar, Pakki Gali, P.S. Sohsarai, District - Nalanda, Bihar - 803118.
5. Mostt. Priyanka Verma Wife of Late Ravi Kumar, resident of Flat No. 36, Sri Kunj Apartment, Third Floor, East Boring Canal Road, P.S. Budha Colony, District - Patna, Bihar 800001. Permanent resident of Mohalla Asha Nagar, Pakki Gali, P.S. Sohsarai, District - Nalanda, Bihar - 803118.
6. Dipankar Verma Son of Late Ravi Kumar resident of Flat No. 36, Sri Kunj Apartment, Third Floor, East Boring Canal Road, P.S. Budha Colony, District - Patna, Bihar 800001. Permanent resident of Mohalla Asha Nagar, Pakki Gali, P.S. Sohsarai, District - Nalanda, Bihar - 803118.
7. Milan Kumar Chauley Son of Late Sandhya Chauley resident of Plot No. 2269/7, Dakrabhisian Lane, Old Town Bhubaneswar, P.S. Lingaraj, Bhubaneswar, District- Khurda, Odisha-751002.
8. Siddharth Chauley Son of Late Sandhya Chauley resident of Plot No. 2269/7, Dakrabhisian Lane, Old Town Bhubaneswar, P.S. Lingaraj, Bhubaneswar, District- Khurda, Odisha-751002.
9. Meenakshi Chauley Daughter of Late Sandhya Chauley resident of Plot No. 2269/7, Dakrabhisian Lane, Old Town Bhubaneswar, P.S. Lingaraj, Bhubaneswar, District- Khurda, Odisha-751002.

... .. Respondent/s

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Appearance :



For the Appellant/s : Mr. Uday Pratap Singh, Advocate
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 31-03-2026 Heard on the point of maintainability in light of the
Civil Stamp Report dated 11.07.2025.

2. It appears that the present Memo of Appeal has been preferred against the order dated 12.03.2025 passed in Title Partition Suit No. 68/2023 by the learned Civil Judge (Sr. Division) - X, Patna, whereby an application under Order VII Rule 10 of the Code of Civil Procedure has been allowed and the plaint has been directed to be presented before the competent court having territorial jurisdiction.

3. As per the office notes dated 14.07.2025 and in view of the legal position settled in paragraph 37 of the order dated 27.04.2010 passed in Civil Revision No. 1067/2009, such an order is not appealable and the appropriate remedy lies by way of a Civil Revision under Section 115 of the Code of Civil Procedure.

4. In view of the above, the present appeal is not maintainable in its present form.

5. Accordingly, the learned counsel for the appellant is directed to take appropriate steps for conversion of the present Memo of Appeal into a Civil Revision application under Section



115 CPC within a period of four weeks, subject to removal of all consequential defects, if any.

(Rudra Prakash Mishra, J)

Rajorshi/-

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