

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.807 of 2025

1. Md. Mukhtar, Son of Md. Salim, resident of Mohalla-Habibpur, Police Station-Habibpur, District-Bhagalpur.
2. Haji Md. Imtiaz Ansari @ Md. Imtiyaz Ahmad, son of Haji Kasim Ansari, resident of Mohalla-Mojahidpur, Police Station-Mojahidpur, District-Bhagalpur.

... .. Appellant/s

Versus

Md. Fakhruddin @ Fakhru, Son of Late Md. Islam, resident of Mohalla-Mohiuddinpur, Police Station-Habibpur, District-Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Prakash Dwivedi, Adv.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-04-2026 Office has reported that the present appeal has been filed against the order passed under Order XXXIX Rule 1 and 2 of the Civil Procedure Code and the valuation of the suit is Rs. 2, 51,000/-, which is less than 10 lakhs. The proper remedy seems to lie by way of filing of a memo of appeal in the Court of learned Principal District Judge concerned.

2. In view of the aforesaid objection raised by the Stamp Reporter, the learned counsel for the appellants seeks permission to withdraw this Miscellaneous appeal and file it before appropriate forum and also prays for returning the memo of appeal to the counsel for the appellants so that they may move before the appropriate forum.



3. Considering the aforesaid facts, the present appeal is not maintainable before this Court in view of enhancement of pecuniary jurisdiction.

4. Accordingly, this Miscellaneous appeal is dismissed as withdrawn.

5. Office is directed to return the copy of memo of appeal to the learned counsel for the appellants within two weeks.

(Khatim Reza, J)

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