

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.179 of 2013

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Ravi Khatri, son of Umesh Lal Khatri, resident of
Village and P.O.+P.S.-Goh, District-Aurangabad

.... Appellant/s

Versus

Champa Devi, daughter of Shri Pancham Khatri,
Resident of Village-Siris, P.O.-Siris, P.S- Barun,
District-Aurangabad

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar Sinha, Advocate

For the Respondent/s : N o n e

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

7 03-09-2015

The appeal has been filed against the order dated 12.02.2013, wherein the prayer of the respondent-petitioner to withdraw the matrimonial suit was allowed and the case was dismissed as withdrawn.

Learned counsel for the appellant could not satisfy this Court as to how such a prayer for withdrawal could have been refused in view of the provisions of Order XXIII of the Code of Civil Procedure.

In the aforesaid view of the matter, the appeal is dismissed.

It goes without saying that if the appellant himself has any cause of action for a similar suit, the same does not get

obliterated because of withdrawal of the suit by the respondent.

(Ramesh Kumar Datta, J)

(Anjana Mishra, J)

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