

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10839 of 2015

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Awadh Kishor Singh

.... Petitioner/s

Versus

Ragheshwar Prasad Pandey

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Kant

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 15-12-2015

After some argument, the learned counsel, Mr. Chandrakant, appearing on behalf of the petitioner seeks permission to withdraw this writ application with liberty to file a regular appeal according to the decision of this Court in the case of ***Brahmdeo Prasad Vs. Baldeo Prasad 1998 (3) PLJR 486.*** The learned counsel further submitted that by mistake, he has filed this writ application instead of filing the appeal because in this case while deciding an issue of res judicata, the suit has been dismissed which is a decree within the meaning of Section 2(2) of the Code of Civil Procedure.

In view of the submission of the learned counsel for the petitioner, he is permitted to withdraw this writ application with liberty to file appeal as submitted by him, if law provides. Accordingly, this writ application is dismissed as withdrawn.

Sanjeev/-

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(Mungeshwar Sahoo, J)