

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.128 of 2016**

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Ragho Singh & Ors

.... Appellant/s

Versus

Sitamani Devi @ Siyamani Devi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mrigendra Kumar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 04-08-2016

After some argument, the learned counsel for the petitioner seeks permission to withdraw this Civil Misc. Application on the ground that he may be permitted to file application for setting aside abatement as the Court below committing error on record passed the order of abatement without considering the fact that one of the legal representatives of the plaintiff was already on record, therefore, there was no question of abatement, particularly when the petitioners had already filed application for being transposed as the plaintiff.

In view of the submission of the learned counsel for the petitioner that it is error apparent on the face of record, the petitioner is permitted to withdraw this Civil Misc. application with liberty to move the Court below in review. If review application is filed, the same shall be disposed of according to law.

Thus, this Civil Misc. application is accordingly disposed of.

Sanjeev/-

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(Mungeshwar Sahoo, J)