

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1447 of 2016**

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Surendra Prasad Singh

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Chandra Bhushan Verma

For the Respondent/s : Mr. Md. Raisul Haque- Sc10

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

2 21-12-2016 It appears that the respondent No.1 and 2 have wrongly been made party-respondent in this Civil Misc. application. They are not party in the suit, i.e., property disputed between the parties. Accordingly, the name of respondent No.1 and 2 are hereby deleted.

The learned counsel for the petitioner submitted that by mistake instead of filing appeal under Section 96 of the Code of Civil Procedure, this Misc. case under Article 227 has been filed challenging the Judgment and Decree dated 5.4.2016 passed by Sub Judge III, Civil Court, Aurangabad in Title Suit No.93 of 2011/ 314 of 2011.

In view of the submission of the learned counsel for the petitioner, the petitioner is permitted to withdraw this Civil Misc. application with liberty to file appeal subject to limitation.

Accordingly, the Civil Misc. application is dismissed as withdrawn with aforesaid liberty.

Sanjeev/-

(Mungeshwar Sahoo, J)

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