

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.309 of 2016**

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Kamal Paswan

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bijay Bhushan Prasad

For the Respondent/s : Mr. Syed Arshad Alam- Sc3

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

2 17-08-2016

Learned counsel for the petitioner submitted that by the impugned order the court below while allowing the application under Order VII Rule 11 of the Code of Civil Procedure has dismissed the suit, therefore, it is a decree. As such, he may be permitted to withdraw this civil miscellaneous application with liberty to file appeal before appropriate forum.

Learned counsel Mr. S.S. Yadav, A.C. to S.C.14, for the State has got no objection.

In view of the submission of the learned counsel for the petitioner, he is permitted to withdraw this civil miscellaneous application with liberty to file appeal, as submitted by him, before appropriate forum.

Accordingly, this civil miscellaneous application is dismissed as withdrawn with the aforesaid liberty.

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(Mungeshwar Sahoo, J)