

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1512 of 2013

In
C.R. 194 of 2012

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1. Pratima Devi wife of Vijoy Kumar Mandal
 2. Vijay Kumar Mandal son of Bhagwan , both resident of Mauza Mokimpur Mohalla Mungeriganj, Pargana Ballia, P.O. and P.S. Anchal, Sub-Registry, Sub-division and District Begusarai.

.... Petitioner/s

Versus

1. Binita Devi wife of Late Pramod Narayan Agrawal
 2. Praveen Kumar Agrawal son of Late Pramod Narayan Agrawal
 3. Krishan Gopal son of Pramod Narayan Agrawal
 4. Akta Agrawal
 5. Barsha Agrawal, both are daughters of Late Pramod Narayan Agrawal
 6. Om Prakash Agrawal son of Late Prabhu Narayan Agrawal, 1 to 6 are resident of Mohalla Mungeriganj, Pargana Ballia, Mouza Mokimpur, Begusarai.
 7. Prakash Kr. Agrawal son of Late Sukhdeo Narayan Agrawal
 8. Pradeep Kumar Agrawal son of Late Sukhdeo Narayan Agrawal , both resident of Mohalla Mungeriganj, Pargana Ballia, Mouza Mokimpur, Begusarai.
 9. Most. Uma Devi wife of Late Mohan Agrawal
 10. Baibhav Kumar alias Bibhu son of Late Mohan Agrawal
 11. Rimjhim Agrawal
 12. NituAgrawal , Daughters of Late Mohan Agrawal
 13. Krishan Prabhat Agrawal son of Gopal Narayan Agrawal
 14. Manisha Agrawal daughter of Gopal Narayan Agrawal
 15. Gopal Agrawal son of Late Ugrasen Agrawal
- 9 to 15 are resident of Mohalla Mungeriganj, District Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Waliur Rahman
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

11 11-01-2016

Heard Mr. Waliur Rahman, learned counsel for
the petitioner.

Learned counsel for the petitioner has submitted
that since the same dispute between the parties is pending
adjudication in another proceeding at the appellate stage, the

petition filed by the petitioners, in the facts and circumstances of the case, to dismiss the present suit as barred by res judicate is misconceived and in this back drop, learned counsel for the petitioners seeks permission to withdraw this writ application with liberty to file an appropriate application under section 10 of the Code of Civil Procedure in the suit itself.

Learned counsel for the plaintiffs respondents has no objection to this prayer.

In view of submissions and stand of learned counsel for the parties, the present writ application is dismissed as withdrawn with liberty to the petitioners to file a petition under section 10 of the Code of Civil Procedure, if permissible in law, in the court below itself for stay of further proceeding in the said suit and if such a petition is filed, the same shall be heard and disposed of in accordance with law after granting liberty of hearing to both the parties.

(V. Nath, J)

Amin/-

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