

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4206 of 2016

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Vishnu Kant Khan Son of Late Indra Narayan Khan resident of Mohalla
Balbhadrapur, N.P. Mishra Chowk, P.S. Laheria Sarai, District -
Darbhanga.

.... Petitioner

Versus

Ganga Narayan Khan Son of Late Indra Narayan Khan resident of village
Bhaur Hanuman Nagar, Police Station Pandaul, District - Madhubani.

.... Respondent

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Appearance:

For the Petitioner : Mr. Shailendra Kumar Jha

For the Respondent : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 21-04-2016 Heard learned counsel, Mr. Shailendra Kuamr Jha,

for the petitioner.

By the order dated 04.01.2016, learned Subordinate
Judge, Vth, Darbhanga has allowed the application filed by the
petitioner under order 23 rule 1 of the Code of Civil Procedure
and permitted to withdraw the Suit with liberty to file a fresh suit,
but at the time of passing the order, the Court below has allowed
the cost of Rs. 10,000/- which is according to the order 23 rule 1
of the Code of Civil Procedure.

Therefore, in my opinion, the order neither
occasioned failure of justice nor it touches the jurisdiction of the
court. I therefore find no reason to interfere with the impugned

order in exercise of supervisory jurisdiction under Article 227 of the Constitution of India. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J.)

Mishra/-

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