

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9056 of 2016**

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Santosh Kumar

.... .... Petitioner/s

Versus

Bachha Prasad Singh

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Parasmani

For the Respondent/s : Mr.

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

2 29-07-2016

Learned counsel for the petitioner submitted that by the order dated 19.12.2015 read with Section 21.01.2016 and 22.01.2016, the application filed by the petitioner under order 21 Rule 97 C.P.C. in Execution Case No. 12/15 of 2015, the learned Munsif, Muzaffarpur has decided on merit and rejected the same as not maintainable. Therefore, it is to be treated as decree as provided under Order 21 Rule 103 C.P.C. but by mistake this writ application has been filed. Accordingly, learned counsel submitted that he may be permitted to file the appeal before the appropriate forum and accordingly, this writ application may be permitted to be withdrawn.

In view of the submission of the learned counsel for the petitioner, this writ application is permitted to be withdrawn. The petitioner is granted liberty to file the appeal as permitted

under the Code of Civil Procedure as submitted by the learned  
counsel for the petitioner.

**(Mungeshwar Sahoo, J)**

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