

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1545 of 2016**

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Rukmini Devi & Ors

.... Appellant/s

Versus

Kanhaiya Prasad Sharma & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dronacharya, Advocate

For the NTPC : Mr. Anil Kumar Sinha, Advocate

For the State : Mr. Arun Kumar Bhagat, AC to AAG-XII

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

ORAL ORDER

2 23-12-2016 Heard Mr. Dronacharya, learned counsel for the

petitioners.

The order dated 13.05.2016 passed by the learned
Sub Judge, III, Barh in Title Suit No. 53 of 2009 is under
challenge.

From perusal of the order, it appears that the plaint
has been rejected under Order 7 Rule 11 C.P.C. Therefore, in
view of the definition of the term “decree” as defined under
Section 2 Sub-section 2 C.P.C., the order is a decree which is
appealable under the Code of Civil Procedure. Thus, the learned
counsel for the petitioners seeks permission to withdraw this
Civil Miscellaneous Application with liberty to file the appeal
before the appropriate forum.

Accordingly, this Civil Miscellaneous Application is



permitted to be withdrawn, as such, it is dismissed as
withdrawn with aforesaid liberty.

(Mungeshwar Sahoo, J)

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