

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1608 of 2016

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Ramayan Rai & Ors

.... Petitioner/s

Versus

Rabindra Prasad & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Rai

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 12-07-2016 Heard the learned counsel, Mr. Nagendra Rai for the
petitioners on I.A. No.2191 of 2016.

Application is for the substitution, therefore, it is allowed, the legal representatives, except who are on record, the others are substituted in place of the petitioner no.1 after deleting his name. They have already appeared by filing vakalatnama.

The learned counsel, Mr. Nagendra Rai for the petitioners relying on the decision of this Court, 2006(4) PLJR 202 submitted that till the stage of Section 10 of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956, the suit will abate irrespective of the nature of the land in suit including the homestead land. However, in the application, the petitioners have not specified as to whether in this case stage of Section 10 has crossed or not. In such view of the matter, the learned counsel seeks permission to withdraw this writ application

with liberty to file application showing that still the proceeding of consolidation has not crossed the stage of Section 10.

In view of his submission, the petitioners are permitted to withdraw this writ application with liberty to file a fresh application as stated above. If such application is filed, the Court below shall consider it according to law without being influenced by the order impugned and by withdrawal of this writ application.

Thus, this writ application is dismissed as withdrawn with the aforesaid liberty.

(Mungeshwar Sahoo, J)

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