

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.18 of 2016

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Pankaj Singh & Ors

.... Appellant/s

Versus

Asha Singh & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

6 28-11-2017 This First Appeal has been listed under the heading
to be mentioned on the prayer of the appellants.

Learned counsel appearing for the appellants submits
that the appellants have filed I.A.No. 8530 of 2017 under Order 23
Rule 1 of the Civil Procedure Code for withdrawal of this appeal
with liberty to file fresh suit as the aforesaid liberty has been given
to the appellants by the court below in the impugned judgment
dated 28.11.2015.

The petitioners preferred Title suit no. 141 of 2001
for partition of the disputed properties but the learned court below
by passing the impugned judgment dated 28.11.2015 dismissed
the aforesaid suit on contest due to ambiguity and vagueness as
regard to the suit property but a liberty was granted to the
appellants to file fresh suit after removal of ambiguity and
vagueness. The appellant challenged the impugned judgment by



filing this appeal but they want to withdraw this appeal and file fresh suit before competent court in the light of liberty granted to them by the impugned judgment dated 28.11.2015.

Accordingly, this appeal stands disposed of as withdrawn with the above stated liberty.

(Hemant Kumar Srivastava, J)

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