

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1381 of 2016**

=====

Anil Dwivedy @ Anil Kumar Dwivedi & Ors

.... Appellant/s

Versus

Smt. Renu Devi

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Manager Sah

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

3 16-01-2017 The learned senior counsel, Mr. Abhay Kumar Singh, for the petitioner submitted that in fact the order impugned is a decree within the meaning of Section 2 (2) of CPC but by mistake this Civil Misc. application has been filed. Accordingly, he seeks permission to withdraw this Civil Misc. application with liberty to file First Appeal before the District Judge as the valuation of the suit is less than Rs.10 lakhs.

The learned counsel, Mr. Radha Mohan Pandey, appearing for the respondent has got no objection.

In view of the submission of the learned senior counsel, this Civil Misc. application is permitted to be withdrawn with liberty to file Appeal under Section 96 CPC before appropriate Forum.

Accordingly, this Civil Misc. application is dismissed as withdrawn with aforesaid liberty to file Appeal.

Sanjeev/-

(Mungeshwar Sahoo, J)

U			
---	--	--	--

