

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.404 of 2018

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1. Umesh Yadav Son of Sri Ramchandra Yadav
2. Ramesh Yadav Son of Sri Ramchandra Yadav
3. Sita Devi wife of Late Dinesh Yadav
4. Vivek Yadav Son of Late Dinesh Yadav
5. Abhishek Yadav minor son of Late Dinesh Yadav under the guardianship of his mother Sita Devi
6. Bibha Kumari @ Bibha Devi @ Bibha Devi Daughter of Late Dinesh Yadav All serial no. 1 to 6 are residents of village - Ramnagar, P.S. - Bahadurpur, District - Darbhanga.

.... Appellant/s

Versus

1. Bijay Yadav son of Late Ramroop Yadav
2. Ram Swaroop Yadav
3. Ram Chandra Yadav Both Sons of Late Nankir Yadav All serial no. 1 to 6 are residents of village - Ramnagar, P.S. - Bahadurpur, District - Darbhanga.
4. Sant Nirankari Mandal registered through Shiv Pujan Singh Son of Late Bishwanath Roy Resident of village Daudpur, P.S. Shahpur, District Patna.
5. Smt. Rekha Devi wife of Sri Naresh Jha
6. Smt. Subol Devi wife of Sri Ganganand Jha
7. Smt. Sangita Devi wife of Sri Ramesh Jha Serial 5 to 7 are residents of Mauza Chhatauni, P.S. - Hathouri, District - Samastipur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Durga Nand Jha
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 04-10-2018

Heard the learned counsel for the petitioners.

This Civil Misc. petition under Article 227 of the Constitution of India has been filed against the order dated 30.11.2017 by which the petition of the petitioners filed under Order 39 Rule 1 & 2 read with Section 151 of the Code of Civil Procedure has been rejected.



From perusal of the provision as contained in Order 43 Rule 1 (r) of the C.P.C. it appears that any order passed on the petition filed under Order 39 Rule 1, 2, 4 and 10 is appealable. In this view of the fact, this Civil Misc. petition is not maintainable.

Since this Civil Misc. petition is not maintainable, the learned counsel for the petitioners prays for and is permitted to withdraw this petition. Accordingly, this Civil Misc. petition stands disposed of as withdrawn.

(Prabhat Kumar Jha, J)

BKS/-

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