

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.276 of 2019**

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Pankaj Lochan Pandey @ Pankaj Lochan S/o Late Haribansh Pandey
Resident of Village- Madhaul, Post- Susta, P.S.- Kudhani, District-
Muzaffarpur. at present resident Opposite Amarnath Mandir, Kalambagh
Road, Naya Tola, P.S.- Kazi Mohammadpur, Muzaffarpur

... .. Petitioner

Versus

Mukhram Pandey S/o Late Ram Sobhit Pandey Resident of Mohalla- Atardah,
P.O.- Ramna, P.S.- Kazi Mohammadpur, District- Muzaffarpur

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Verma, Adv.
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER**

2 25-04-2019 This application under Article 227 of the Constitution of India has been filed by the petitioner for quashing the order dated 24.09.2018 passed by the learned Sub-Judge-XIV, Muzaffarpur in Misc. Case No. 11 of 2017 dismissing the petition dated 17.04.2018 filed on behalf of the petitioner, who was arrayed as opposite party- 1st party in the said miscellaneous case, which was on the point of maintainability of the case filed by the respondent herein under Order 9, Rule 13 of the Code of Civil Procedure (for short 'CPC').

After some argument, learned counsel for the petitioner seeks leave to withdraw the present application with liberty to challenge any effective order which the trial court may pass on the application filed under Order 9, Rule 13 of the CPC



by the respondent therein.

Leave is granted. The application is disposed of.

However, while disposing of this application, I may observe that it is expected from the trial court that it would finally decide the application preferred by the respondent herein under Order 9, Rule 13 of the CPC expeditiously.

(Ashwani Kumar Singh, J)

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