

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.282 of 2019

1. Keshav Prasad Male aged about 70 years Son of late Ramdahin Rai Resident of village - Gosai Tola, Police Station - Patliputra, District- Patna.
2. Yadunandan Prasad @ Jadunandan Prasad, Male aged about 67 years son of late Ram Dahin Rai resident of village - Gosai Tola, police Station - Patliputra, District- Patna
3. Raj Kumar @ Mithilesh Kumar Male aged about 32 years son of Sri Yadu Nandan Prasad, resident of village - Gosai Tola, Police Station - Patliputra, District - Patna.

... .. Petitioners

Versus

1. Jammuna Rai male aged about 65 years son of late Nirekhan Rai resident of village - Harshanchak, Police Station - Danapur, District - Patna at present address -Nehru Nagar.
2. Bajnath Rai male aged about 63 years son of late Nirekhan Rai resident of village - Harshanchak, Police Station- Danapur, District - Patna at present address - Nehru Nagar

...Opposite Parties 1st Set.

3. Tuntun Rai Male aged about 62 years son of late Raja Singh Resident of Village-Rahimpur-Khaprailchak, Post Office-Parsha Bazar, District-Patna.
4. Smt. Manju Female aged about 58 years daughter of Late Raja Singh Resident of Village-Rahimpur-Khaprailchak, Post Office-Parsha Bazar, District-Patna.
5. Smt. Murti Female aged about 55 years daughter of Late Raja Singh Resident of Village-Rahimpur-Khaprailchak, Post Office-Parsha Bazar, District-Patna.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Ramchandra Singh, Advocate Mr. Deepak Kumar, Advocate
For the Respondents	:	Mr. Kamlesh Kumar Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 09-05-2019 This application under Article 227 of the Constitution of India has been filed by the petitioners for quashing the order dated 12.10.2018 passed in Misc. Case No. 22 of 2012 by the learned Civil Judge (Senior Division) 3rd, Patna whereby he has



dismissed the application of the petitioners filed under Order XXI Rule 97 of the Code of Civil Procedure (for short 'CPC') in Execution Case No. 1 of 2002.

After some arguments, Mr. Ram Chandra Singh, learned counsel appearing for the petitioners seeks leave of the court to withdraw the present application with liberty to challenge the order impugned by way of filing statutory appeal under Section 96 of the CPC.

Leave is granted.

The application is disposed of.

(Ashwani Kumar Singh, J)

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