

IN THE HIGH COURT OF JUDICATURE AT PATNA
SECOND APPEAL No.471 of 2018

Ajay Kumar Singh

... .. Appellant/s

Versus

Smt. Soni Shahi and Anr

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jai Prakash Verma
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 26-08-2019 Heard Mr. Shashi Shekhar Dwivedi, learned senior counsel appearing on behalf of the appellant and Mr. Radheshyam Sharma, learned counsel appearing on behalf of the respondents.

The appellant filed second appeal under section 100 of the C.P.C. against the order dated 13.08.2018 passed by 13th Additional District Judge, Muzaffarpur in Misc. Appeal No.01 of 2018. The appellant filed petition under section 22 of the Hindu Succession Act on which Miscellaneous Case No.08 of 2016 was registered. Miscellaneous case was dismissed by order dated 04.01.2018 against which the appellant filed Miscellaneous Appeal No.01 of 2018.

Mr. Shashi Shekhar Dwivedi, learned senior counsel appearing on behalf of the appellant, submits that the second appeal is not maintainable against the orders passed by both the



courts, therefore, he may be permitted to withdraw the second appeal with liberty to prefer civil miscellaneous under Article 227 of the Constitution of India against both the impugned orders.

Accordingly, the second appeal is permitted to be withdrawn and the same is dismissed as withdrawn with the aforesaid liberty.

(Prabhat Kumar Jha, J)

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