

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.40 of 2021**

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1. Upendra Kumar Sinha son of late Uday narayan resident of Mohalla- Tilha Mahavir Asthan, P.S.- Civil Lines, District- Gaya.
2. Birendra Narayan @ Birendra Kumar Sinha @ Birendra Narayan son of late Uday Narayan resident of Mohalla- Tilha Mahavir Asthan, P.S.- Civil Lines, District- Gaya.
3. Nagendra Kumar Sinha son of late Uday Narayan resident of Mohalla- Tilha Mahavir Asthan, P.S.- Civil Lines, District- Gaya.
4. Ravindra Kumar Sinha son of late Uday Narayan resident of Mohalla- Tilha Mahavir Asthan, P.S.- Civil Lines, District- Gaya.
5. Rajesh Kumar Sinha son of late Nagendar Prasad resident of Mohalla- Tilha Mahavir Asthan, P.S.- Civil Lines, District- Gaya.
6. Kailash Yadav (power of Attorney holder of petitioners no. 1 to 5) son of late Lural Yadav resident of Village- Salempur (Nauranga) P.S.- Muffasil, Dist- Gaya at present Parmanand Path Hill view compound, P.S.- Rampur, Dist- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through Collector, Gaya.
2. Anchal Adhikari Chandauti Anchal Chandauti, Dist- Gaya.
3. Manish Raj @ Rajo son of late Baleshwar Yadav resident of Village- Chandauti, P.S.- Chandauti, Dist- Gaya.
4. Sukhendra Yadav @ Yogendra Yadav son of Budhan Yadav resident of Village- Chandauti, P.S.- Chandauti, Dist- Gaya.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar, Advocate  
For the Respondent/s : Mr.Lalit Kishore (AG)

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

ORAL ORDER

2      23-11-2021                      At the very outset, the learned counsel for the petitioners has submitted that mistakenly this petition has been filed instead of filing an appeal before the learned District Judge under Order XLIII Rule (1) (r) CPC.

This petition is dismissed as withdrawn, as it has been



filed due to mistake.

If the petitioner files an appeal before the learned District Judge along with a petition for condonation of delay, the learned District Judge may consider this fact that the delay was not mala fide.

**(Nawneet Kumar Pandey , J)**

Mahesh/-

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