

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.299 of 2020

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Bhrigunath Pandey Son of Late Ganesh Pandey Resident of Village Kateya,
P.S. Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

1. Yogendra Choubey Son of Late Thakur Choubey Resident of Village-
Kateya, P.O. and P.S. Kateya, District- Gopalganj.
2. Suresh Choubey Son of Late Thakur Choubey Resident of Village- Kateya,
P.O. and P.S. Kateya, District- Gopalganj.
3. Kashinath Choubey Son of Late Thakur Choubey Resident of Village-
Kateya, P.O. and P.S. Kateya, District- Gopalganj.
4. Ram Lakhan Choubey Son of Late Thakur Choubey Resident of Village-
Kateya, P.O. and P.S. Kateya, District- Gopalganj.
5. Sunita Kumari Daughter of Late Thakur Choubey Resident of Village-
Kateya, P.O. and P.S. Kateya, District- Gopalganj.
6. Mosmat Potna Kuer Wife of Late Thakur Choubey Resident of Village-
Kateya, P.O. and P.S. Kateya, District- Gopalganj.
7. Smt. Sita Devi Wife of Jitendra Prasad Madeshiya Resident of Village-
Kateya, P.O. and P.S. Kateya, District- Gopalganj.
8. Jitendra Prasad Madeshiya Son of Late Butan Madeshiya Resident of
Village- Kateya, P.O. and P.S. Kateya, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Navin Nikunj
For the Respondent/s : Mr. Sanjay Kumar Pandey No.5

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-07-2022 Heard Mr. Nivin Kunj, learned counsel for the

petitioner and Mr. Sanjay Kumar Pandey No. 5, learned counsel

for the respondents.

Learned counsel for the petitioner submits that by the

impugned order the learned lower appellate court has arrived at

the findings that the objection raised by the

defendants/appellants regarding lack of pecuniary jurisdiction of



learned trial court is a pure question of law which can be decided at the time of disposal of the main appeal.

In view of the aforesaid finding, learned counsel for the petitioner seeks permission to withdraw this application.

Permission is granted.

The application stands dismissed as withdrawn.

However, it is observed that the learned lower appellate court may not be prejudiced by the order impugned at the time of adjudication of the appeal.

(Anil Kumar Sinha, J)

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