

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.580 of 2018

1. Panna Lal Rishideo Son of Late Ram Charitra Mushahar Resident of Village- Narthua Bhagipur, P.S. Alam Nagar, District- Madhepura.
2. Sone Lal Rishideo, Son of Late Ram Charitra Mushahar Resident of Village- Narthua Bhagipur, P.S. Alam Nagar, District- Madhepura.
3. Most. Sugiya Devi, W/o Late Ram Charitra Mushahar Resident of Village- Narthua Bhagipur, P.S. Alam Nagar, District- Madhepura.
4. Mohit Rishideo, S/o Late Sahdeo Rishideo Resident of Village- Narthua Bhagipur, P.S. Alam Nagar, District- Madhepura.
5. Ramesh Rishideo, S/o Late Sahdeo Rishideo Resident of Village- Narthua Bhagipur, P.S. Alam Nagar, District- Madhepura.
6. Jai Krishna Rishideo, S/o Late Darbari Dishideo Resident of Village- Narthua Bhagipur, P.S. Alam Nagar, District- Madhepura.
7. Mostt. Amma Devi, W/o Late Darbari. Resident of Village- Narthua Bhagipur, P.S. Alam Nagar, District- Madhepura.

... .. Petitioner/s

Versus

1. Mahendra Mushahar Son of Late Basanti Mushahar Resident of Village- Narthua, Bhogipur, P.S. Alam Nagar, District- Madhepura.
2. Sunil Mushahar, Son of Late Basanti Mushahar Resident of Village- Narthua, Bhogipur, P.S. Alam Nagar, District- Madhepura.
3. Kailash Rishideo, Son of Late Podhar Rishideo Resident of Village- Narthua, Bhogipur, P.S. Alam Nagar, District- Madhepura.
4. Pulin Rishideo, Son of late Podhar Rishideo Resident of Village- Narthua, Bhogipur, P.S. Alam Nagar, District- Madhepura.
- 5.1. Chandra Kishore Rishideo S/o Late Lochan Mushahar Resident of Village- Narthua, Bhogipur, P.S. Alam Nagar, District- Madhepura.
- 5.2. Bisu Rishideo S/o Late Lochan Mushahar Resident of Village- Narthua, Bhogipur, P.S. Alam Nagar, District- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kumar Vishoka Nand
For the Respondent/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 08-12-2022

Heard learned Counsel for the parties.

While going through the records of this case, it



appears to this Court that the petitioners have made one Lochan Mushahar as respondent no. 5, but from the plaint of Title Suit No. 119 of 2001 (Annexure-1), it appears that Lochan Mushahar was not a party in the suit either in the column of plaintiffs or in the column of the defendants.

Accordingly, the order, dated 06.12.2022, by which I. A. No. 01 of 2022 has been allowed for substitution of deceased respondent no. 5, is hereby recalled.

After some arguments, learned Counsel for the petitioners seeks permission to withdraw this application with liberty to prefer appeal, if so advised, in accordance with law before an appropriate court of law.

Permission is granted.

This application is dismissed as withdrawn, with the liberty aforesaid.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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