

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.189 of 2021

SHANKAR PRASAD Son of Pahladji Prasad Resident of Mohalla- Sonartoli,
Ward no. 23, (Near Shanti Bat Brichh), Police Station- Nagar Thana Siwan,
District- Siwan, Pin Code-841226, M.No. 8809525942

... .. Appellant/s

Versus

RAVI SHANKAR PRASAD @ MALBABU Son of Gulab Chand Prasad at
resident of Village- Jurkan, Post- Markan, P.s.- Hussainganj, District- Siwan
(Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dilip Kumar, Advocate
For the Respondent/s	:	Mr. Nagendra Upadhyay, Advocate
		Mr. Ashwani Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 04-10-2023 This Miscellaneous Appeal has been filed against the order dated 13.02.2019 passed in Eviction Case No. 19 of 2016 which was dismissed due to non-prosecution and also due to non-compliance of order dated 09.10.2018.

2. From perusal of the memo of appeal it appears that against the said order appellant preferred Miscellaneous Case No. 30 of 2019 under Order IX Rule 4 of the Civil Procedure Code for restoration of Eviction Case No. 19 of 2016 before the learned lower court and the said Miscellaneous Case is still pending.

3. The appellant has also filed the present appeal against the impugned order dated 13.02.2019. The said impugned order is also subject matter in Miscellaneous Case



No. 30 of 2019 and is still pending before the concerned lower court.

4. Learned counsel for the appellant seeks permission to withdraw this Miscellaneous Appeal.

5. Accordingly, this appeal is dismissed as withdrawn.

6. The appellant is permitted to pursue the matter which is pending before the lower court *vide* Miscellaneous Case No. 30 of 2019.

7. The learned lower court is directed to dispose of the said Miscellaneous Case within six months.

(Khatim Reza, J)

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