

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.938 of 2017

Prasidh Singh son of Late Jagdish Singh, resident of Village- Fatikbara,
P.O.P.S.- Desari, District- Vaishali.

... .. Petitioner/s

Versus

1. Abhimanyu Singh and Ors son of Pradeep Singh, resident of Village-
Fatikbara, P.O.P.S.- Desari, District- Vaishali.
2. Sarwati Devi, wife of Jagdish Singh,
3. Vimal Devi,
4. Neelam Devi,
5. Shanti Devi,
6. Punam Devi,
7. Laxmi Devi, All daughter of Jagdish Singh,
8. Sunder Devi, wife of Late Arjun Singh,
9. Jitendra Kumar, son of Late Arjun Singh,
10. Sanju Devi, D/o Late Arjun Singh,
11. Virendra Singh, son of Late Teka Singh,
12. Most. Deni Devi, wife of Late Uchit Singh,
13. Shankar Singh,
14. Bindeshwar Singh,
15. Surendra Singh, sons of Late Uchit Singh,
16. Shail Devi,
17. Sarita Devi, Daughters of Late Uchit Singh, residents of Village- Fatikbara,
P.O.P.S.- Desari, District- Vaishali.
18. Shreewati Devi, wife of Late Bishundeo Singh,
19. Randheer Singh,
20. Rawesh Singh, sons of Late Bishundeo Singh,
21. Bimal Devi,
22. Sarmil Devi,
23. Parmil Devi, D/o Late Bishundeo Singh, all residents of Village- Fatikbara,
P.O.P.S.- Desari, District- Vaishali.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Ratan Kumar Sinha
For the Respondent/s : Mr.Naresh Chandra Verma

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 21-09-2023 Heard learned counsel for the petitioner Shri Ratan Kumar Sinha and learned counsel for the respondents Shri Naresh Chandra Verma.

2. Counter affidavit filed on behalf of the respondents and the same is taken on record.

3. This application has been filed for quashing the order dated 03.03.2017 passed by the Fast Track Court, Vaishali in title Appeal No. 67/96 / 03/17 by which the Court below has rejected the cross objection of the petitioner on the ground that the appellant withdrew his application and he does not want to proceed with the appeal.

4. Considering the submissions of the parties, this Court is of the view that the petitioner cannot be forced to withdraw his appeal as the petitioner has an independent right to appeal and the same cannot be taken away just because of the fact that the cross-appeal has been withdrawn.

5. In view of the above, this application is allowed.

6. Accordingly, the order dated 03.03.2017 passed by the Fast Track Court, Vaishali in Title Appeal No. 67/96 / 03/17



is hereby set aside.

7. The cross-Appeal of the petitioner is hereby restored.

8. The respondent No. 01 is given liberty to raise all the grounds in the appeal which are available in law.

(Sandeep Kumar, J)

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