

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.299 of 2018

1. Uma Shankar Pandey.
2. Daya Shankar Pandey.
3. Birendra Pandey.
4. Devendra Pandey.
5. Awadhesh Pandey.
All sons of Late Ramanand Pandey, resident of village-Malighat Kanhauli
Bishundutt, P.O. and P.S. Mithanpura, District- Muzaffarpur.

... .. Defendant/s-Appellant/s- Petitioner/s
Versus

1. Lalit Kumar Gupta, Son of Sri Hari Prasad Sah, resident of Mohalla-
Zumma Masjid, P.O. and P.S. Town, District- Muzaffarpur.

..... Plaintiff-Respondent-Respondent 1st Set.

2. Mostt. Sona Devi, Wife of Late Radha Krishna Sah, resident of Mohalla-
Purani Bazar, P.O. and P.S. Town, District-Muzaffarpur.

..... Defendant-Respondent-Respondent 2nd Set

3. Manoj Prasad Gupta, Son of Late Ram Pukar Sah.

4. Gudda Kumar

5. Sawan Kumar

Sl. No. 4 and 5 are the sons of Late Ram Chandra Sah.

6. Mostt. Maya Devi, wife of Late Ram Chandra Sah.

7. Mukesh Kumar.

8. Manish Kumar.

9. Vikash Kumar.

Sl. No. 7 and 9 are the sons of Late Lakshman Sah.

10. Mostt. Urbasi Devi, wife of name not known to the petitioner. All resident
of Mohalla – Kanhauli Bisundutt Malighat, P.O. and P.S. - Mithanpura,
District – Muzaffarpur.

..... Defendants-Respondents-Respondents 3rd Set

11. Shail Kumar Devi, wife of Nagina Ojha, resident of village – Jasauli, P.S.
- Baruraj, District – Muzaffarpur

12. Neelam Devi, wife of Bibhuti Pandey, resident of village – Fatehpur, P.O.
+ P.S. - Seohar, District – Seohar.

... ..Defendants-Respondents-Respondents 4th Set

Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey, Advocate

For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

14 11-07-2023

Learned counsel for the petitioners is present.

This Civil Miscellaneous Application has been filed
against the order dated 14.07.2017 passed by the learned



Additional District Judge-12th, Muzaffarpur in Title Appeal No. 41 of 2016 under which the petition dated 16.06.2017 of the appellants-petitioners filed under Order 41 Rule 27 CPC has been rejected.

Learned counsel for the petitioners submits that the Title Appeal No. 41 of 2016 has already been dismissed for default accordingly Civil Miscellaneous Application has become infructuous. He further submits that this Civil Miscellaneous Application may be disposed of with liberty to the petitioners to file appropriate petition, if so required, in accordance with law, on restoration of said Title Appeal.

In view of the submission on behalf of the petitioners, this Civil Miscellaneous Application is disposed of with liberty to the petitioners as prayed for.

(Sunil Dutta Mishra, J)

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