

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1294 of 2018

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1. Onkar Prasad and Anr S/o late Girija Shankar Mahto@ Girija Shankar Prasad
 2. Pankaj Kumar Patel S/o late Girija Shankar Mahto@ Girija Shankar Prasad Both Resident of Village- Sarsu, Tola- Pasia, Police Station- Atri, District- Gaya, Present Address Patel Bhawan, Patalpuri, New Area, Nawada, Police Station District- Nawada.

... .. Petitioner/s

Versus

1. Madan Prasad and Ors Son of late Daneshwar Mahto
2. Bachchi Devi Widow of Nandlal Prasad
3. Sanjay Kumar Patel
4. Pawan Patel
5. Angad Patal All Sons of late Nandalal Prasad
6. Rekha Kumari Daughter of late Nandlal Prasad All resident of Village- Sarsu, Tola- Pasia, Police Station- Atri, District- Gaya, Present address Patel Bhawan, Patalpuri, New Area, Nawada, Police Station District- Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Respondent/s : Mr. Gopal Bohra

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

11 05-09-2023 Heard the parties.

2. In view of fresh Stamp Report dated 05.09.2023, this application does not seem to be maintainable in this Court as the stamp reporter has reported that a title appeal will lie in the Court below against the impugned order dated 23.05.20178 passed in Partition Suit No. 18/2005 / C.N. 683/15.

3. Learned counsel for the petitioner seeks permission to withdraw this application to enable the petitioners to file a title appeal in the Court below.



4. Permission is granted and the learned counsel appearing for the respondents has no objection in this regard.

5. If such an appeal is filed within two months from today then the limitation shall be condoned.

(Sandeep Kumar, J)

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