

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.796 of 2023

1. Bindo Mahto @ Binod Mahto Son of Bhutto Mahto Resident of Village Belsandi Tara, P.S. Bibhutipur, District-Samastipur.
2. Anita Kumari @ Anita Devi Wife of Bindo Mahto @ Binod Mahto Resident of Village Belsandi Tara, P.S. Bibhutipur, District-Samastipur.

... .. Petitioner/s

Versus

1. Sheo Shankar Prasad Singh Son of Late Lakhan Prasad Singh Resident of Village-Belsandi Tara, P.S. Bibhutipur, District-Samastipur.
2. Sandeep Kumar Son of Ram Saran Mahto Resident of Village-Nathudwar, P.S. Khanpur, District-Samastipur.
3. Smt. Anamika Kumari Wife of Sandeep Kumar Resident of Village-Nathudwar, P.S. Khanpur, District-Samastipur.
4. Most. Janki Devi Wife of Late Dhana Mahto Resident of Village-Hiramiya, P.S. Rosera, District-Samastipur.
5. Ram Narayan Mahto Son of Late Dhana Mahto Resident of Village-Hiramiya, P.S. Rosera, District-Samastipur.
6. Ram Kumar Mahto Son of Late Dhana Mahto Resident of Village-Hiramiya, P.S. Rosera, District-Samastipur.
7. Smt. Pavitri Devi Wife of Shri Surya Narayan Mahto Resident of Village-Hiramiya, P.S. Rosera, District-Samastipur.
8. Sumitra Devi Wife of Sri Shankar Mahto Resident of Village-Hiramiya, P.S. Rosera, District-Samastipur.
9. Sri Debu Pandit Son of Late Balgovind Pandit Resident of Village-Sindhya Bujurge, P.S. Bibhutipur, District-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate Mr. Kundan Kumar, Advocate
For the Respondent/s	:	Mr. Abhay Kumar, Advocate Mr. Ramchandra Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-07-2024 The instant petition is filed against the order dated 02.12.2022 passed by learned Sub Judge-IV, Rosera in Title Suit No. 147 of 2011 whereby and whereunder the petition dated 08.10.2021 filed by the petitioner under Order 39 Rule 1 and 2

of the Code of Civil Procedure has been rejected.

2. The impugned order is appellable one under Order 43 Rule 1(r) of the Code of Civil Procedure and hence, civil miscellaneous petition would not lie under Article 227 of the Constitution of India.

3. Faced with the situation, learned counsel seeks permission to withdraw the present petition with liberty to take up the matter before appropriate forum.

4. Permission is accorded.

5. Petition is dismissed as withdrawn with liberty as aforesaid.

(Arun Kumar Jha, J)

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