

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.24 of 2023

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Salman Ansari @ Md. Salman Ansari Son of Late Ramzan Ali Ansari
Resident of Village Gogri Kasba, P.s. Gogr-1, District-Khagaria.

... .. Petitioner/s

Versus

Md. Jamaluddin Ansari, Son of Mad. Ismail Ansari, Resident of Village Gogri
Kasba, P.S. Gogri, District-Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar, Advocate
For the Respondent/s : Mr. Abdul Mannan Khan, Advocate
Mr. Hafiz Shahbaz Asif, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 04-07-2024 Present learned counsel for the petitioner as well as

learned counsel for the respondent.

02. The instant petition has been filed by the petitioner under Article 227 of the Constitution of India for setting aside the order dated 16.09.2019 passed by the learned Additional District Judge-III, Khagaria in Civil Misc. Appeal No. 08 of 2017 whereby and whereunder the Misc. Appeal of the petitioner was dismissed in default.

03. Learned counsel appearing on behalf of the respondent submits that the present petition is not maintainable since against the order impugned the petitioner should have approached the same court with prayer for restoration. Moreover, no error of jurisdiction is apparent on the fact of record which needs interference of this Court under Article 227



of the Constitution of India.

04. At this stage, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to take recourse of law available to him before appropriate forum.

05. Permission is accorded.

06. Accordingly, the present petition stands dismissed as withdrawn with liberty as aforesaid.

(Arun Kumar Jha, J)

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