

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.24 of 2024

1. Shiv Shankar Choudhary Son of Late Nageswar Choudhary, Resident of Village- Kathela, P.S. and P.O.- Kharik, District- Bhagalpur.
2. Amar Jeet Choudhary @ Amar Jeet Kumar @ Amarjeet Kumar Choudhary Son of Shiv Shankar Choudhary, Resident of Village- Kathela, P.S. and P.O.- Kharik, District- Bhagalpur.
3. Santosh Kumar Choudhary @ Ashutosh Kumar, Son of Shiv Shankar Choudhary, Resident of Village- Kathela, P.S. and P.O.- Kharik, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Bhagalpur, District- Bhagalpur.
2. Mukhiya Gram Panchayat, Kharik Bazar, P.S. and P.O. Kharik, District- Bhagalpur.
3. Kameswar Choudhary, Son of Late Kedarnath Choudhary, Resident of Village- Kathela, P.S. and P.O. Kharik, District- Bhagalpur.
4. Jireshwar Choudhary, Son of Late Kedarnath Choudhary, Resident of Village- Kathela, P.S. and P.O. Kharik, District- Bhagalpur.
5. Ravindra Kumar Choudhary, Son of Late Bireshwar Choudhary @ Gopal Choudhary, Resident of Village- Kathela, P.S. and P.O. Kharik, District- Bhagalpur.
6. Parimal Choudhary, Son of Late Arbind Choudhary, Resident of Village- Kathela, P.S. and P.O. Kharik, District- Bhagalpur.
7. Murari Choudhary, Son of Late Brij Bhushan Choudhary, Resident of Village- Kathela, P.S. and P.O. Kharik, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Avinash, Advocate
		Mr. Krityanand Jha, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Sinha, AC to GA-9
For Respondent No. 5	:	Mr. Arbind Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-08-2024 The matter has been taken up on mentioning being made on behalf of the petitioners.

2. The instant petition has been filed for setting aside



the order dated 01.12.2023 passed by learned Sub Judge – 1st, Naugachia in Title Suit No. 09 of 2021, whereby and whereunder the learned trial court has dismissed the injunction petition dated 12.07.2022 filed under Order 39 Rule 1 and 2 of the Code of Civil Procedure. Apparently such order is assailable under Order 43 Rule 1(r) of the Code of Civil Procedure and hence, a Misc. Appeal would lie against such order.

3. At this stage, learned counsel for the petitioners seeks permission to withdraw the present petition with liberty to file a Misc. Appeal.

4. Permission is accorded.

5. Accordingly, the present petition is dismissed as withdrawn with liberty as aforesaid.

(Arun Kumar Jha, J)

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