

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1799 of 2017

1. Amit Singh
2. Sujit Singh @ Sujit Kumar Singh
3. Vikash Kumar @ Vikash Kumar Singh
Sl Nos. 1, 2 & 3 are sons of Gupteshwar Singh
4. Nilu Kumari Daughter of Gupteshwar Singh
5. Gupteshwar Singh Son of late Sunder Singh All are Resident of Village & P.O- Dugul, P.S.- Kasma, District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. Bijay Singh and Ors Son of late Doman Singh Resident of Village- Raj Parsa, P.O Baliya, P.S. Amba, District- Aurangabad Bihar.
2. Smt. Pratima Devi Wife of Gupteshwar Singh Resident of Village P.O - Dugul, P.S Kasma, District-Aurangabad Bihar.
3. Yashwant Singh
4. Anil Singh
5. Gautam Singh
Sl Nos. 3, 4 and 5 are Sons of late Suresh Singh Sl. Nos. 3, 4 and 5 are Resident of Village- Jagdishpur, P.O- Dumra, P.S Kutumba, District- Aurangabad Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-01-2025 Heard learned counsel for the petitioners.

2. The petitioner is challenging the order dated 15.05.2017 passed by the learned Sub Judge-1, Aurangabad in Title Suit No. 61 of 2017 whereby and whereunder the learned Sub Judge-1, Aurangabad dismissed the plaint at the stage of admission.

3. The learned counsel for the petitioners submits that



the plaint could not have been rejected under Order 7 Rule 11 of the Code of Civil Procedure and the order has been wrongly passed.

4. However, from perusal of the impugned order, it is very much evident that the plaint was rejected and decree was ordered to be prepared and such an order is appealable order. Hence, application under Article 227 of the Constitution of India would not lie before this Court.

5. Faced with situation, learned counsel for the petitioners seeks permission to withdraw the present petition with liberty to take recourse of appropriate proceeding in accordance with law.

6. Permission is accorded.

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 Accordingly, the present petition is dismissed as withdrawn with the liberty as aforesaid.

(Arun Kumar Jha, J)

V.K.Pandey/-

U			
---	--	--	--

