



IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1836 of 2017

Sanjay Kumar son of Late Kashar Prasad, resident at Mohalla- Ambanagar,
Noorsarai, P.S. Noorsarai, District Nalanda.

... .. Petitioner/s

Versus

1. Dinesh Kumar Son of Late Kashwar Prasad,
2. Chandrakanta Devi, wife of Vijay Kumar Hiba Baba, Both resident of Village/ Mohalla Ambanagar, Noorsarai, Police Station- Noorsarai, District- Nalanda.
3. Usha Kumari, daughter of Late Keshwar Prasad, wife of Indradeo Singh, resident of Mohalla- Main Road, Ranigarh, P.S. Ramagarh, District Kaimur.
4. Pusphata Kumari, daughter of Late Keshar Prasad, W/o Jagdeo Prasad, resident of Village- Mushadevi, P.S. Nagarnausa, District Nalanda.
5. Chandra Kala Devi, d/o Late Keshwar Prasad, wife of Late Raghunandan Prasad, resident of Mohalla and Post master Road, Nawada, P.S. Town Thana, District Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 17-03-2025 Heard learned counsel for the petitioner.

02. The instant civil miscellaneous petition has been filed by the petitioner for setting aside the order dated 23.06.2017 passed by the learned Sub Judge-III, Nalanda at Biharsharif in Title Suit No. 123 of 2014, whereby and whereunder the learned trial court rejected the petition filed by the petitioner under Order 39 Rule 1 & 2 r/w Section 151 of the Code of Civil Procedure (for short 'the Code').

03. Obviously, the impugned order is an appellable





order under Order 43 Rule 1(r) of the Code before the court of competent jurisdiction and civil miscellaneous petition would not lie against such orders. Therefore, the present petition is not maintainable.

04. At this stage, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to take appropriate steps against the impugned order.

05. In the light of submission made by the learned counsel for the petitioner, the present petition is dismissed as withdrawn.

06. The petitioner is at liberty to have recourse of law in appropriate proceeding before the court of competent jurisdiction against the impugned order strictly in accordance with law.

(Arun Kumar Jha, J)

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