

Kuber. Vs. Jamuna Prasad

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Court : Allahabad

Decided On : Apr-21-2011

Judge : Krishn Kumar Lahoti; J.K.Maheshwari, JJ.

Appeal No. : R.P.No.84/11

Appellant : Kuber.

Respondent : Jamuna Prasad

Advocate for Pet/Ap. : Shri. P.K.Saxena

Judgement :

1. This petition is filed seeking review of the order dated 29.6.2010 in W.P.No.7752/10 by which the writ petition filed by the petitioners was decided by an order which reads thus:-

“29.6.2010 Shri P.K.Saxena, learned counsel for the petitioners. This petition is directed against an order dated 20 th May, 2010- passed by 3 rd Civil Judge Class-II, Waidhan, distt. Sidhi in Civil Suit No.60-A/98 by which the petitioners' right to adduce the evidence was closed.

After arguing at length, learned counsel for the petitioners seeks withdrawal of this petition with liberty to challenge the order dated

20 th May, 2010 and order dated 19.3.2010 in an appeal, in case such exigency arises to the petitioners.

The prayer is allowed.

**This petition is dismissed as withdrawn with the aforesaid liberty.
No order as to costs.”**

2. From the perusal of the aforesaid, it is apparent that the aforesaid writ petition was dismissed as withdrawn with liberty as prayed by the petitioners. Though it is stated in the review petition that the petitioners were not understanding the meaning of withdrawal and by misunderstanding, the writ petition was dismissed as withdrawn.

3. From the perusal of the order dated 29.6.2010, it is apparent that the petitioners were represented by a counsel Shri P.K.Saxena, who sought such permission and on his prayer the writ petition was dismissed as withdrawn.

4. In view of aforesaid, we do not find any error apparent on the face of record seeking review of the order dated 29.6.2010. The review petition is misconceived and is dismissed accordingly.

5. As we have considered the case on merits, so it is not necessary for this Court to consider I.A.No.2196/11 seeking condonation of delay in filing the review petition. Aforesaid application is also dismissed.

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