

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12310 of 2023

Petitioner :- Laxman Sahgal

Respondent :- Ram Ji Sahgal And 8 Others

Counsel for Petitioner :- Saurabh Srivastava

Counsel for Respondent :- Girja Shanker Mishra,Pratiksha Rai

Hon'ble Ashutosh Srivastava,J.

Shri Saurabh Srivastava, learned counsel for the petitioner and Shri S.K.Verma, learned Senior Advocate, who has put in appearance through Video Conferencing, assisted by Ms. Pratiksha Rai, learned counsel for the respondent no. 2, are present.

A preliminary objection has been taken, as regards the maintainability of the present petition, under Article 227 of the Constitution of the India, in the wake of alternative remedy, available to the petitioner, to assail the order in Appeal under Order 43 Rule 1 (s) CPC.

Shri Saurabh Srivastava, learned counsel for the petitioner at the very outset submits that he may be permitted to withdraw the present petition, under Article 227 of the Constitution of India, to avail remedy of filing an Appeal under Order 43 Rule 1 (s) CPC. He submits that the certified copies of the order impugned, in the present petition, may be directed to be returned to him to facilitate filing of the Appeal.

On his statement, the present petition is ***dismissed as withdrawn.***

The Registry is directed to return the certified copy of the order impugned, to the learned counsel for the petitioner, after retaining photocopies of the same on record.

Whenever, the Appeal is filed, learned counsel for the petitioner may also serve a copy of the same upon Ms. Pratiksha Rai, learned counsel, who has put in appearance on behalf of the respondent no. 2.

Order Date :- 6.12.2023

Deepak/