

GAHC010023182024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP/23/2024

MAHIDHAR @ MAHODAR BARMAN
S/O- LATE RATNESWAR BARMAN ,
VILLAGE- BYAKUCHI,
MOUZA- SARUKHETRI,
P.S- SARTHEBARI,DIST- BARPETA, ASSAM

VERSUS

SUBAL CH BARMAN AND 23 ORS
S/O- LATE RATNESWAR BARMAN ,
VILLAGE- BYAKUCHI,
MOUZA- SARUKHETRI, PIN-781305
P.S- SARTHEBARI,DIST- BARPETA, ASSAM

2:SAILEN BARMAN
S/O- LATE TARUN CH. BARMAN

3:DHANANJAY BARMAN
S/O- LATE ADITYA BARMAN

4:KUSHAL BARMAN
S/O- LATE SURYA KANTA BARMAN

5:DHANJIT BARMAN
S/O- LATE SURYA KANTA BARMAN

6:GHAMESHYAM BARMAN
S/O- LATE SURYA KANTA BARMAN

7:KANDORAM PATHAK
S/O- MADAN CH. PATHAK

8:BISAYA PATHAK
W/O- RAMESH CH. PATHAK

10:NILIMA PATHAK
W/O-LT. NAORAM. PATHAK

11:HITESH PATHAK
W/O-LT. NAORAM. PATHAK

12:MANAB PATHAK
W/O-LT. NAORAM. PATHAK

13:SASHIBALA BARMAN
W/O-LT. PRAMOD BARMAN

14:JINTU BARMAN
S/O-LT. PRAMOD BARMAN

15:MOMI BARMAN
D/O-LT. PRAMOD BARMAN

16:BASANTI BARMAN
W/O- RATNESWAR BARMAN

17:PARESH BARMAN
S/O- RATNESWAR BARMAN

18:KHANIN BARMAN
S/O- RATNESWAR BARMAN

19:BANAJIT BARMAN
W/O- RATNESWAR BARMAN

20:NILIMA BARMAN
D/O- RATNESWAR BARMAN

21:ANIMA BARMAN

D/O- RATNESWAR BARMAN

22:MANJU BARMAN
D/O- RATNESWAR BARMAN

23:DIPTI BARMAN
D/O- RATNESWAR BARMAN

24:DIPALI BARMAN
W/O- AKSHAY KR. BARMAN

25:KUSHAL BARMAN
S/O- LATE SADANANDA BARMAN

ALL ARE R/O- BYAKUCHI

P.S- SARTHEBARI
DIST- BARPETA
PIN-781305. ASSA

For the Petitioner(s) : Mr. S. N. Krishnatraya, Advocate

For the Respondent(s) : None appears.

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 11.03.2024

1. The learned counsel for the Petitioner submitted that inadvertently the order dated 03.01.2024 passed in Misc. (J) Case No.107/2022 had been challenged through the present revision proceedings initiated under Article 227 of the Constitution of India.

2. The learned counsel further submitted that that the dismissal of the appeal pursuant to rejection of the application for condonation of delay would amount to a decree. He therefore submitted that he may be permitted to withdraw the instant application with a liberty to file a Regular Second Appeal.

3. The learned counsel for the Petitioner further submitted that the period during which the instant application has been pending be excluded while computing the period of limitation. Further to that, he also submitted that the Registry may be directed to return the certified copy of the said impugned order which has been filed along with the instant application.

4. Taking into account the above, the instant application stands closed on withdrawal.

5. This Court further directs that the period from 02.02.2024 till date be excluded while computing the period of limitation, in the circumstance, the Petitioner approaches this Court and files a Regular Second Appeal.

6. This Court further directs the Registry of this Court to return the certified copy of the impugned order dated 03.01.2024, upon an application filed by the learned counsel for the Petitioner.

JUDGE

Comparing Assistant