

GAHC010026262019



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

Case No.: I.A.(Civil)/503/2019

SWAPAN KUMAR KANU AND ANR
S/O. SRI SATTYA NARAYAN KANU
R/O.- GAURIPUR TOWN
WARD NO. 3
P.O. AND P.S. GAURIPUR
DIST.- DHUBRI (ASSAM)
PIN- 783331.

2: TAPAN KUMAR KANU
S/O. SRI SATTYA NARAYAN KANU
R/O.- GAURIPUR TOWN
WARD NO. 3
P.O. AND P.S. GAURIPUR
DIST.- DHUBRI (ASSAM)
PIN- 783331.
VERSUS

JAGADISH SHAH AND ANR
S/O.- LT. SHIB RATAN SHAH
GAURIPUR TOWN WARD NO. 4
P.O. AND P.S. GAURIPUR
DIST.- DHUBRI (ASSAM)
PIN- 783331.

2: BASDEO SHAH
S/O- LT. HIRALAL SHAH
RESIDENT OF GAURIPUR TOWN WARD NO. 4
P.O. AND P.S. GAURIPUR
DIST.- DHUBRI (ASSAM)
PIN- 783331.

Advocate for : MR G P BHOWMIK
Advocate for : MS. R CHOUDHURY appearing for JAGADISH SHAH AND ANR

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

08.05.2024

This is an application under Section 5 of the Limitation Act, 1963 for condoning the delay of 97 days in preferring the revision application against the order dated 25.04.2018 passed by the learned First Appellate Court in Title Appeal No.35/2015.

2. The learned counsel for the applicants submits that as the suit is presently proceeding at an advance stage pursuant to the remand, the applicants would not like to press the instant application.

3. Consequently, the instant application stands closed on withdrawal.

4. The consequential effect of withdrawal of the instant application is that the accompanying Revision Application under Section 115 of the Code of Civil Procedure, 1908 cannot be entertained being barred by limitation.

JUDGE

Comparing Assistant