

GAHC010086382024



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

Case No. : CRP/48/2024

SANKAR KUMAR DAS AND 2 ORS
S/O- LATE BHABEN CHANDRA DAS, R/O- SADILAPUR, GUWAHATI-12, P.S.
JALUKBARI, DIST. KAMRUP(M), ASSAM

2: DIBAKAR DAS
S/O- LATE PRABHAT CH. DAS
R/O- SADILAPUR
GUWAHATI-12
P.S. JALUKBARI
DIST. KAMRUP(M)
ASSAM

3: BAKUL KAIBARTA
S/O- LATE BHABIT KAIBARTA
R/O- PADUMBARI
P.S. AND MOUZA- JALUKBARI
GUWAHATI-11
DIST. KAMRUP(M)
ASSA

VERSUS

BIKROM SINGHA LAHKAR
S/O- SRI KHAGEN SINGHA LAHKAR, R/O- JALUKBARI, GAUHATI
UNIVERSITY, BY-PASS ROAD, NATIONAL HIGHWAY-17, GUWAHATI-14,
DIST. KAMRUP(M), ASSAM

Advocate for the petitioner(s): Mr. B Borah

Advocate for the respondent(s): Mr. S Sharma

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

03.05.2024

Heard Mr. B Borah, the learned counsel appearing on behalf of the petitioners and Mr. S Sharma, the learned counsel for the respondent.

2. Upon hearing the learned counsel appearing on behalf of the petitioners, it appears that the order which has been passed by the learned Trial Court which has been impugned in the instant proceedings i.e. the order dated 06.04.2024 in Misc.(J) Case No.1052/2023 arising out of Title Suit No.619/2023, the same is an appealable order. Accordingly, the learned counsel appearing for the petitioners submits that he may be permitted to withdraw the instant application. He further submits that the withdrawal of the instant application should not prejudice the petitioners from filing an appeal in terms with Order XLIII Rule 1(r) of the Code of Civil Procedure, 1908 (for short, the Code).

3. Taking into account that the said order which has been passed on 06.04.2024 is an order passed in exercise of the powers under Section 39 read with Section 37 of the Specific Relief Act, 1963 and in terms with Order XXXIX Rule 1 and 2 of the Code, this Court permits the withdrawal of the instant application. The petitioners herein would be at liberty to file an appeal in terms

with Order XLIII Rule 1(r) of the Code challenging the said order.

4. The learned counsel appearing for the petitioners is also given the liberty to file an application before the Registry of this Court for getting the certified copy of the impugned order which has been enclosed to the instant revision petition. Upon such application being filed, the Registry of this Court shall forthwith furnish the certified copy enclosed to the instant petition to the counsel for the petitioners.

5. The instant revision petition stands disposed of.

JUDGE

Comparing Assistant