

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

CIVIL MISCELLANEOUS APPEAL No.304 OF 2018

JUDGMENT: (Oral)

(Per Suresh Kumar Kait, J)

After some arguments, learned counsel appearing on behalf of the appellant sought permission to withdraw the appeal with liberty to file better affidavit before the trial Court and on filing such affidavit, the trial Court be directed to take into consideration the said affidavit and pass a fresh order.

In view of the same, permission for withdrawal of the appeal is granted and the appeal is dismissed as withdrawn with liberty as sought. The order dated 24.11.2017 passed in G & WOP No.312 of 2016 is set aside and the trial Court is directed to take into consideration the affidavit to be filed by the appellant and pass a fresh order.

Miscellaneous petitions, if any pending in the appeal, stand closed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

June 8, 2018
MRR