

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

CIVIL MISCELLANEOUS APPEAL No.52 of 2016

ORAL ORDER: (Per Suresh Kumar Kait, J)

After long arguments advanced by learned counsel for appellants and respondent No.2/party-in-person, learned counsel for appellants concedes for withdrawal of the present appeal and requests that the trial Court may be directed to frame the issue as regards jurisdiction and decide the same as preliminary issue before deciding the other issues.

Permission for withdrawal is granted and the appeal stands disposed of as withdrawn. Consequently, the trial Court is directed to frame an issue in the suit with regard to jurisdiction and decide the same as preliminary issue by giving opportunity to both parties to adduce evidence.

As a sequel, miscellaneous petitions if any pending in the appeal stand closed. No order as to costs.

SURESH KUMAR KAIT, J

U. DURGA PRASAD RAO, J

January 05, 2018
MRR