

FMAT 183 of 2020

**Mohamad Gayasuddin & Ors.
Vs.
Gonda Bibi Wakf Estate & Ors.**

Mr. Avijit Roy
Md. Fida Rosul
... For the Appellants

We have taken note of the objection raised by the Stamp Reporter as to the maintainability of the appeal in view of Section 83(9) of the Wakf Act, 1995.

Learned counsel for the appellants candidly submits that the appellants have challenged the order passed by the Wakf Tribunal in connection with an application for effecting repair under Section 151 of the Code of Civil Procedure.

We permit the appellants to withdraw the appeal and to take appropriate steps in accordance with law as we are of the opinion that this appeal is not maintainable in this Court.

Accordingly, the appeal is dismissed as withdrawn.

The department is directed to return the certified copy of the order impugned to the learned advocate on record for the appellants upon his furnishing the photostat copy thereof.

(Aniruddha Roy,J.)

(Soumen Sen, J.)

