

SMAT 3 of 2020

Tarani Das

- Versus -

Lakshmi Prasad Saw & Anr.

(Through Video Conference)

Ms. Ameena Kabir

.....For the appellant

We have perused the report of the stamp reporter expressing doubt over the maintainability of this appeal.

The instant appeal is against the order dated 23rd December, 2019 passed by learned Additional District Judge, Birbhum in Misc. Appeal No. 15 of 2018 thereby affirming the order passed by the learned Civil Judge (Senior Division), Bolpur in Title Suit No. 52 of 2018).

That being the position, the second appeal is not maintainable before the Division Bench of this Court.

On the prayer of the learned advocate Ms. Ameena Kabir proposing to withdraw this instant appeal, the instant appeal stands disposed of as withdrawn.

Liberty is, however, given to the appellant for taking recourse to the provisions of the law by filing an appropriate application under Article 227 of the Constitution of India before the Court having appropriate determination for the purpose.

Department is directed to return the original certified copy of the order retaining the xerox copy of the same.

(Subhasis Dasgupta, J.)

(Soumen Sen, J.)