

15.12.2021
SL No.4
Court No.1
(gc)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

(Via Video Conference)

SAT 6 of 2021

**Abdar Ali Miah
Vs.
Md. Akbar Ali & Anr.**

Ms. Suman Sehanabis (Mandal),
...for the Appellant.

This is a misconceived Second Appeal inasmuch as the order impugned is passed in an appeal under Section 9(6) of West Bengal Land Reforms Act, 1955. We agree with the observations made by the Stamp Reporter in his report dated 15th December, 2020.

Learned advocate for the appellant seeks to withdraw the appeal, SAT 6 of 2021 is dismissed as withdrawn.

In view of the fact that this second appeal is not maintainable for want of jurisdiction, time spent in pursuing the present appeal may be excluded under Section 14 of the Limitation Act, 1963, in the event, the order impugned is assailed in revision before the proper forum within four weeks from date.

The certified copy filed along with the Memorandum of Appeal may be returned to the learned advocate representing the appellant upon furnishing a photostat copy of the same.

Urgent photostat certified copy of this order, if applied for, be supplied to be parties upon compliance of all requisite formalities.

(Biswajit Basu, J.)

(Soumen Sen, J.)