

01.
22.11.2022.
Ct. No. 11.
F.B.

**S.A. 21 of 2017
with
IA No. CAN 2 of 2022**

**Sukumar Pan & Anr.
-Vs.-
Nishikanta Shaw & Anr.**

**Mr. Shehnaz Tareq Mina,
Mr. Pratick Sardar
..... For the Appellants.**

**Mr. Bhudeb Chatterjee
..... For the Respondents.**

Re: IA No. CAN 2 of 2022.

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Party/Parties is/are represented in the order of
their name/names as printed above in the cause title.

Mr. Pratick Sardar, Learned Counsel led by Mr.
Shehnaz Tareq Mina, Learned Counsel appearing on
behalf of the appellants, submits that as per the
request of the appellants viz. Sukumar Pan and Sunati
Pan dated 01.08.2022, this application praying for
withdrawal has been filed being registered as IA No.
CAN 2 of 2022.

Learned Counsel also prays for allowing the
appellants to withdraw the second appeal being no. S.A.
21 of 2017.

He further submits that the appellants be allowed to withdraw the original exhibited documents from the court below.

He also submits that the Lower Courts Record be sent to the concerned lower court through special messenger and the cost for the same shall be borne by the appellants.

Learned Counsel appearing on behalf of the respondents does not raise any objection and on the contrary he submits that he has no objection in respect of the prayer for withdrawal of the instant second appeal.

Considering the submissions of both the sides, i.e. the appellants and the respondents, this Court is inclined to allow the prayer for withdrawal of the instant second appeal being S.A. 21 of 2017.

Thus the application being IA No. CAN 2 of 2022 is disposed of and as such the second appeal being S.A. 21 of 2017 is dismissed as withdrawn.

Let the Lower Courts Record be sent to the trial court forthwith.

As per prayer of the appellants, the appellants are directed to submit the cost for special messenger

within 10 (ten) days from the receipt of the copy of this order.

On furnishing the cost for special messenger, department is directed to send the Lower Courts Record to the concerned trial court forthwith.

The appellants are at liberty to withdraw their exhibited documents with the undertaking to resubmit the same as and when called for.

All parties to act in terms of the copy of the order downloaded from the official website of this Court.

(Supratim Bhattacharya, J.)