

DL. January 3,
30. 2022

Through Video Conference

S.A.T. 105 of 2020

Ratan Mandal & ors.

Vs.

Dilip Mandal & ors.

Mr. Dinendra Nath Chatterjee,
Mr. Madhusudan Mandal,
...for the appellants.

Mr. Pradip Kumar Patra,
...for the respondents no. 1 to 3.

The learned advocate appearing on behalf of the appellants has fairly submitted that the subject matter of the suit could not have been decided by a civil court. Accordingly, he has prayed for withdrawal of the instant second appeal.

The second appeal is arising out of a decree of affirmance by the appellate court below in a suit for declaration of title and recovery of possession. Both the courts below have retained findings against the plaintiffs/appellants on the basis of the oral and documentary evidence.

In view of the submissions made on behalf of the appellants that the remedy of the appellants lies before the West Bengal Land Reforms and Tenancy Tribunal, we dismiss the appeal as withdrawn. This order, however, shall not preclude the appellants from taking steps in accordance with law.

We make it clear that we have not gone into the merits of the judgments of both the court below in any manner whatsoever.

In view of dismissal of the appeal, nothing remains in the connected applications and those are disposed of accordingly.

There will be no order as to costs.

(Soumen Sen, J.)

(Ajoy Kumar Mukherjee, J.)

dns