

49 20.06.23

Ct. No. 04

akd

F.M.A. 407 of 2023

CAN 1 of 2023

Sree Nemai Kumar

Vs.

Sri Samarandra Nath Kumar

Mr. Dilip Kumar Maity,

Mr. Prasanta Kumar Das.

... for the appellant.

The learned Advocate on record of the appellant submits that the instant appeal has been wrongly preferred against the order seeking modification of the order dated 12th August, 2022, as the impugned order is not appellable one. He prays for withdrawal of the same.

In view of the above, the appeal is dismissed as withdrawn. The connected application is also dismissed.

Assistant Court Officer is directed to return the certified copy of the impugned order to the learned Advocate on record of the appellant upon replacement with the photocopy thereof.

However, withdrawal of the instant appeal shall not prevent the appellant to pursue his remedy before the appropriate forum.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

