

09 **12.12.
2023**

Ct. No. 04

ab

**FMA 600 of 2023
IA No. CAN 1 of 2023**

**Sri Subrata Dam
Vs.
Sri Kashinath Das and others.**

**Mr. Amales Roy,
Ms. Mousumi Bhawal.**

... for the appellant.

**Mr. Rabindranath Mahato,
Mr. Aritra Shankar Ray.**

... for the respondent no. 1.

The Counsel for the appellant submits on instruction that his client has showed his intention not to proceed with the instant appeal. He further submits that the instant appeal was filed assailing an order of remand passed by the Trial Court. He also submits that his client has already submitted the written statement in the Trial Court, which is proceeding with the matter after remand and, therefore, there is no point in keeping the instant appeal alive.

In view of the above fact including that the appellant does not intend to proceed with the instant appeal, the appeal and the connected application are dismissed for 'non-prosecution'.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)

