

S/L 9
15.12.2023
Court. No. 29
Suwayan

CO 2123 of 2022

Rajib Ghoshal & Ors.
Vs.
Smt. Vandana Agarwalla & Anr.

Mr. Meghajit Mukherjee
Mr. Debjit Mukherjee

...for the petitioners.

Mr. Ashim Kr. Roy

...for the opposite parties.

1. Both the petitioners and the opposite parties are represented by their respective learned Advocates.
2. At the very outset learned Advocate for the petitioners submit before this Court that he has instruction to not press the instant revisional application since challenging the impugned judgment as involved in this revisional application an appeal has been preferred before the appropriate tribunal.
3. Mr. Roy, learned Advocate for the opposite parties in course of his submission though has not disputed and/or opposes the prayer for abandonment of the instant revisional application but he prays for imposition of heavy cost upon the petitioners for illogically filing of the instant revisional application which according to Mr. Roy is evident from the order dated 02.08.2022. Mr. Roy in course of his submission places reliance upon a reported decision *Amit Mines Private Limited vs. Maithan Alloys Limited & Ors.* as passed in CO 3062 of 2022 dated 18.04.2023 reported in MANU/WB/o848/2023.

4. On perusal of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties, this Court finds no predicament in allowing the petitioners' prayer for not pressing the instant revisional application.

5. Accordingly, it is ordered that CO 2123 of 2022 is dismissed as not pressed.

6. It, however, reveals from the order dated 02.08.2022 that a co-ordinate Bench while admitting the instant revisional application found that the impugned order is appealable one. However, the said co-ordinate Bench admitted the instant revisional application on the score that a misinterpretation of the statute cannot be addressed by the appellate court.

7. In view of such fact, this Court finds that at the time of hearing on the point of admission a question of law has been raised which has been accepted by the co-ordinate Bench and in view of such this Court finds that it would not be proper to impose cost upon the petitioners while withdrawing his instant revisional application.

8. With the aforementioned observation, CO 2123 of 2022 is disposed of.

9. Parties to act on the server copies of this order.

10. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)