

09.10.2023
Item No.49
Ct. No. 7
KS

C.O. 3137 of 2023
Nawal Rajak (Baitha)
Vs.
Sri Joy Prakash Singh

Mr. Chittaranjan Chakraborty
Mr. Sumit Banerjee
..... For the Petitioner
Mr. S. Nagale
Mr. Debasish Chakraborty
....For the Opposite party

1. The order No.2 dated 25th July, 2023 passed by the learned District Judge, Hooghly in Civil Revision No.8 of 2023 is under challenge in this revisional application under Article 227 of the Constitution of India.
2. After going through the impugned order, this Court finds that the learned District Judge was right in holding that the application under Section 115A of the Code of Civil Procedure was not maintainable. At this stage, Mr. Chakraborty, learned advocate appearing for the petitioner submits that he has instructions to challenge the order dated 3rd May, 2023 passed in Title Execution Case No.2 of 2015. He prays for leave to withdraw this revisional application with liberty to file afresh.
3. In view thereof, C.O. 3137 of 2023 stands dismissed as withdrawn with liberty to challenge the order dated May 3, 2023 passed in Title Execution Case No.2 of 2015 in accordance with law.
4. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)