

24.01.2024
Item No.65
Ct. No. 7
KS

C.O. 3433 of 2023
Susantajit Ghosh
Vs.
Shiba Rani @ Shibani Ghosh & Ors.

Mr. Santosh Kumar Chakraborty
Mr. P. Sarkar

.....for the Petitioner

1. Order No.85 dated 14th December, 2022 passed by learned Civil Judge (Junior Division), Kalyani in Misc. Case No.14 of 2021 is under challenge in this application under Article 227 of the Constitution of India.
2. Learned advocate for the petitioner submits that only one of the petitioners of the Misc. case have applied for withdrawal of the misc. case.
3. However, after perusing of the records, this Court finds that the petitioner filed the petition stating that he was not interested to continue with the proceeding and, therefore, prayed for dismissal of the misc. case. It further appears from the record that the learned Court below after considering the averments made in the withdrawal application and also that the petitioner on dock admitted on oath that he does not want to

continue with the proceeding of the suit and upon being satisfied passed an order for dismissal of the misc. case for non-prosecution.

4. This Court sitting under Article 227 of the Constitution of India cannot decide as to whether the application was moved by all the petitioners or by one of them. It is for the petitioner to work out his remedies in accordance with law, if so advised.
5. With the above observations, C.O. 3433 of 2023 stands disposed of.
6. There shall be no order as to costs.
7. 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.)