

18th December,
2024
(AK)
14

F.A.T 321 of 2024
IA No: CAN 1 of 2024

Smt. Ruhi Agarwalla
Vs.
Santosh Agarwal

Mr. Surya Prasad Chattopadhyay
Mr. Satya Ranjan Kundu
Mr. Arjun Samanta
...for the appellant/petitioner.

Mr. Sourodeep Singha
...for the respondent no.1 to 4.

1. Learned counsel for the appellant, in his usual fairness, submits that the appeal has been wrongly preferred before this court due to *bona fide* inadvertence and that the appropriate appellate court having jurisdiction is the City Civil Court at Calcutta.
2. We find corroboration of such submission from the materials-on-record and the impugned judgment.
3. Accordingly, FAT 321 of 2024 along with IA No: CAN 1 of 2024 are dismissed as withdrawn on the prayer of the appellant, granting liberty to the appellant to take back the certified copies of the impugned judgment and decree upon furnishing

duly authenticated photocopies of the same for the records.

4. Liberty is also granted to the appellant, irrespective of the present dismissal, to prefer an appeal against the present impugned decree before the appropriate court having jurisdiction on the self-same grounds.
5. There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)