

**236 07.03.
2024**
Ct. No. 04

Ab

**FAT 333 of 2020
IA No. CAN 1 of 2021
IA No. CAN 2 of 2021**

**Nasim Mondal and others
Vs.
Sipra Chowdhury and others.**

**Mr. Shanit Paul,
Ms. Priyakshi Banerjee.**

... for the appellants.

**Mr. Achyut Basu,
Ms. Punam Basu,
Mr. Srikumar Chakraborty,
Ms. Pritha Biswas.**

... for the respondents.

The Counsel for the appellants submits that there is a fatal defect in the instant appeal and, therefore, prays for withdrawal thereof with liberty to pursue the relief before the appropriate forum.

After considering the nature of the impugned order, we do not find any impediment in acceding to the prayer made by the appellants.

Accordingly, the appeal is dismissed as withdrawn.

In view of the withdrawal of the appeal itself, the connected applications being CAN 1 of 2021 and CAN 2 of 2021 have become infructuous and the same are also dismissed.

However, withdrawal of the appeal shall not prevent the appellants to challenge the selfsame order before the appropriate forum in accordance with law.

The Assistant Court Officer is directed to return the certified copy of the impugned judgment to the Advocate-on-Record of the appellants upon replacement with photocopy thereof.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)

