

D/L.6.
July 1, 2025.
MNS.

FMAT No. 38 of 2025
+
CAN 1 of 2025

Smt. Asha Rao
Vs.
Smt. Sarita Bagaria and others

Ms. Sormi Dutta

... for the appellant.

Mr. Dhillon Sengupta,
Ms. Himikar Saral

...for the respondent no. 1.

1. Learned counsel for the plaintiff/respondent no. 1, in all fairness, submits that the matter had previously been released from our list on personal ground.
2. Although otherwise we would have released the matter, however, in view of the innocuous nature of the prayer made today, which shall not adversely affect the rights of any of the parties, we choose to take up the appeal for passing appropriate orders.
3. Learned counsel appearing for the defendant no. 3/appellant seeks to withdraw the appeal on instructions, in view of a revisional application, and not an appeal, being maintainable against the impugned order.
4. Accordingly, on the prayer of the appellant, FMAT No. 38 of 2025 and the connected application, being CAN 1 of 2025, are dismissed as withdrawn, with liberty to the

appellant to prefer an appropriate challenge against the impugned order.

5. The learned Advocate-on-record for the appellant shall be at liberty to take back the certified copy of the impugned order upon furnishing a photocopy of the same for the records.

6. There will be no order as to costs.

(Uday Kumar, J.)

(Sabyasachi Bhattacharyya, J.)