

D/L- 9
17/02/2025
Ct. No.-6
Aritra

C.O. 502 of 2025

**Warrish Ali Shaikh & Ors.
Versus
Sahida Bibi & Ors.**

Mr. Nitai Chandra Saha
Mr. Abhijit Ch. Majumder
...for the petitioners

This is an application under Article 227 of the Constitution of India at the instance of the defendants and is directed against an order being No.11 dated January 6, 2025 passed by the Civil Judge (Senior Division), 3rd Court, Alipore in Title Suit No.1468 of 2024.

The petitioners filed an application before the learned Trial Judge praying for discharging, varying and/or setting aside the order of status quo passed by the learned Trial Judge.

Upon going through the averments made in the said application and the reliefs claimed, this Court is of the considered view that the said application was filed under the provisions of Order 39 Rule 4 of the Code of Civil Procedure. Such an order is an appealable order under Order 43 Rule 1 (r) of the Code of Civil Procedure. Faced with this situation learned advocate for the petitioner prays for leave to

withdraw this application with liberty to approach the appropriate forum.

In view thereof CO 502 of 2025 stands dismissed as withdrawn with liberty to the petitioner to approach the appropriate forum in accordance with law.

Learned advocate on record for the petitioner is permitted to take back the certified copy of the order impugned upon furnishing a photocopy of the same.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)