

Sl. 12  
26.03.2025  
Court No.6  
BP

C.O. 1026 of 2025

Nemai Ghosh & Ors.  
-versus-  
Tarun Ghosh & Ors.

Mr. Debnath Mahata  
... for the petitioners

By the order impugned the Misc. Case under Order 21 Rule 97 to 101 was dismissed. In view of the provisions of Order 21 Rule 103 of the Code of Civil Procedure such an order shall have the same force and be subject to the same conditions as to an appeal or otherwise as if it were a decree. Therefore, the said order being an appealable one, this Court is not inclined to entertain this application under Article 227 of the Constitution of India.

At this stage, the learned advocate appearing for the petitioners prays for leave to withdraw this application with liberty to approach the appropriate forum in accordance with law.

In the light of the submissions made by the learned advocate for the petitioner, C.O. 1026 of 2025 stands dismissed as withdrawn with liberty to the petitioner to approach the appropriate forum in accordance with law.

The learned advocate on record of the petitioners shall be permitted to take back the

certified copy of the order impugned upon replacing the same with the photostat copy thereof.

**(Hiranmay Bhattacharyya, J.)**