

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 10.03.2025

DELIVERED ON: 10.03.2025

**CORAM:
THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)**

**M.A.T. 512 of 2024
With
I.A. No. CAN 1 of 2024**

**Buddhya Ghosh @ Budhadeb Ghosh & Ors.
Vs.
Krishna Kamal Goswami & Ors.**

Appearance:-

**Mr. Debasish Chattopadhyay
Mr. Tirthankar Basu
Ms. Suman Biswas**

.....For the Appellants

**Ms. Munmun Ganguly
Mr. Akash Dutta**

.....For the State

**Mr. Dibyendu Chatterjee
Mr. Pritam Majumder
Mr. Rahul Deb Goenka
Mr. Mainak Singha Barma
Mr. Aranya Chakraborty**

.....For the Respondent/Writ Petitioner

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This intra-Court appeal has been filed challenging the order dated 7th February, 2024 in W.P.A. 17782 of 2018. The impugned order was subsequently recalled at the instance of the writ petitioners, who filed CAN 1 of 2024 and CAN 2 of 2024 and the direction issued was modified.

2. The appellants are aggrieved by the modified order dated 12th July, 2024, which has not been challenged in the Memorandum of Appeal nor a copy enclosed in the stay petition.
3. Therefore, the appellants seek leave to withdraw this appeal and file a fresh appeal questioning the correctness of the modified order dated 12th July, 2024.
4. Accordingly, appeal stands dismissed as withdrawn.
5. However, the liberty, as sought for, is granted.
6. No costs.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(CHAITALI CHATTERJEE (DAS), J.)