

D/L- 13
01/05/2025
Ct. No.-6
Aritra

C.O. 1489 of 2025

**Bhabani Mallick
Vs.
Swapan Kumar Mallick**

Mr. Indra Nath Mukherjee
Mr. Anita Khatri

....for the petitioner

By the order impugned the application under Section 5 of the Limitation Act filed in connection with miscellaneous case under Order 9, Rule 13 of the Code of Civil Procedure stood rejected and consequently the miscellaneous case also stood rejected.

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, Mr. Mukherjee, learned advocate appearing for the petitioner 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light of the submissions made by the learned advocate appearing for the petitioner, CO 1489 of 2025 stands dismissed as withdrawn with liberty to the petitioner to approach the appropriate forum in accordance with law.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 petitioner is permitted to take back the certified copy of impugned

order by replacing the same with a photostat copy thereof.

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.)