

D/L- 37
19/05/2025
Ct. No.-6
Aritra

C.O. 1681 of 2025

**Birendra Nath Bera
Vs.
Biswajit Ghosh & Anr.**

Mr. Chandradoy Roy
Ms. Debjani Banerjee

....for the petitioner

Mr. Pingal Bhattacharyya
Mr. Rajdeep Sinha

....for the opposite party

By the order impugned the miscellaneous appeal preferred by the petitioner was dismissed thereby affirming the order passed by the learned trial judge rejecting the application under Order 39 Rule 1 and 2 of the Code of Civil Procedure.

However, in the meantime the title suit was dismissed for non-compliance of the order dated April 3, 2025 passed in Miscellaneous Appeal No.19 of 2024. Since the suit has been dismissed in the meantime, this Court is not inclined to entertain this civil revision application.

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

The opposite party is represented by its learned advocates.

In the light of the submissions made by the learned advocate for the petitioner, CO 1681 of 2025 stands dismissed as withdrawn with liberty to the petitioner to approach the appropriate forum in accordance with law. It is however made clear that the petitioner will be at liberty to raise all points before the appropriate forum. The appropriate forum shall act in accordance with law.

Petitioner is permitted to take back the certified copy of the orders impugned 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.)