

20th January, 2025
(M/L No.158)
Ct. No.5
(SKB)

C.O.1635 of 2024

Subhash Mishra
Versus
Chiman Lal Lohia & Anr.

Mr. Dhiraj Trivedi, Sr. Adv.,
Mr. Bikash Kr. Singh,
Mr. Sunil Gupta

... for the petitioner.

1. Although the revisional application has been filed, *inter alia*, challenging the order dated 29th February, 2024 passed by the learned Additional District Judge, 3rd Court at Alipore, South 24 Parganas in Act 39 (Probate) Case No.6 of 2020 rejecting the petitioner's application for addition of party under Order 1 Rule 10 (2) of the Code of Civil Procedure, Mr. Drivedi, learned senior advocate representing the petitioner would submit that the petitioner has a right to object to the grant of probate and has been accordingly advised to apply before the learned Trial Court. According to him, the procedure adopted for objecting to the grant by making an application addition of party may not be regular.
2. Having regard to the facts noted above, he seeks leave to withdraw the revisional application by reserving his right to apply before the learned District delegate or the Additional District Judge

as the case may be for noting the objection in the manner prescribed.

3. Having heard the learned Senior advocate for the petitioner, since the petitioner does not wish to proceed with the revisional application, the same be dismissed as withdrawn.

(Raja Basu Chowdhury, J.)