

30.06.2025
Item no. 72.
Court No.6.
AB

C. O. 2289 of 2025

**Sri Ganesh Halder & Anr.
Vs
Sri Mukul Sarkar & Ors.**

Mr. P. P. Roy,
Mr. Samrat Chakrabortyfor the Petitioners.

This application under Article 227 of the Constitution of India is at the instance of an applicant under Order 22 Rule 10 of the Code of Civil Procedure and is directed against an order dated December 13, 2024, passed by the learned Civil Judge (Jr. Division), Lalbagh, Murshidabad in Title Suit No.239 of 2004.

Mr. Roy, learned advocate appearing for the petitioners submits that during the pendency of the suit, the right, title and interest in respect of the suit property devolved upon the petitioners for which the petitioners filed an application under Order 22 Rule 10 of the Code of Civil Procedure, which stood rejected by the order impugned.

The order impugned passed on an application under Order 22 Rule 10 of the Code of Civil Procedure is an appealable one in view of the provisions under Order 43 Rule 1 (l) of the Code of Civil Procedure.

For such reason, this Court is not inclined to entertain this civil revision application.

Faced with such situation, Mr. Roy prays for leave to withdraw this application with liberty to approach the appropriate forum in accordance with law.

In the light of the submission made by the learned advocate for the petitioners, C. O. No.2289 of 2025 stands dismissed as withdrawn with liberty to the petitioners to approach the appropriate forum in accordance with law.

Learned advocate for the petitioners shall be permitted to take back the certified copy of the order impugned by replacing with a photostat copy thereof.

(Hiranmay Bhattacharyya, J.)