

AD-06
Ct No.16
10.12.2025
TN

SMAT 1 of 2024
IA No: CAN 1 of 2025

Raakesh Rathore
Vs.
Vardhman Sethia

Mr. Biplab Ranjan Bose,
Mr. Souvik Sarkar

.....for the appellant

1. Learned counsel for the appellant submits, rightly, that instead of a revisional application under Article 227 of the Constitution of India, a second miscellaneous appeal has been filed erroneously. Hence, the appellant seeks to withdraw the appeal with leave to file a revisional application instead against the impugned order.
2. We find that the impugned order is in the nature of an injunction order passed in a miscellaneous appeal under Order XLIII of the Code of Civil Procedure and, as such, no second appeal is maintainable against such order in law.
3. Accordingly, SMAT 1 of 2024 is dismissed as withdrawn, with liberty to the appellant to file an appropriate challenge against the impugned order before the appropriate forum/court.
4. Liberty is also granted to the learned Advocate-on-record for the appellant to take back the certified copy

of the impugned order upon furnishing a photocopy thereof for the records.

5. CAN 1 of 2025 stands disposed of accordingly.
6. There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)