

D/L- 46
06/08/2025
Ct. No.-6
Aritra

C.O. 2826 of 2025

Dilip Debnath
Vs.
Swapam Kumar Debnath & Anr.

Mr. Ranjan Kumar Kali
...for the petitioner

Mr. Sanat Kumar Biswas
....for the opposite parties

By the order impugned the application under Section 5 of the Limitation Act praying for condonation of delay in filing the title appeal stood rejected.

It is now the well-settled that rejection of an application under Section 5 of the Limitation Act is a decision in the appeal and the said order is not a revisable order and an appeal lies against such order.

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

Faced with such situation the learned advocate appearing for the petitioner prays for leave to withdraw this civil revision application with liberty to approach the appropriate forum in accordance with law.

In the light of the submissions made by the learned advocate for the petitioner, CO 2826 of 2025 stands dismissed as withdrawn with liberty to the petitioner to approach the appropriate forum in accordance with law.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 shall be permitted to take back the certified copy of the

order 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.)