

25. 12.08.2025  
Court No.06.

(Pritam)

**CO 2907 of 2025**

**Shri Ajay Kumar Gupta.**

**-Vs.-**

**Radheshyam Shaw.**

Mr. S. Chatterjee.

....for the petitioner.

Mr. Goutam Das,  
Mr. Sandeep Kr. Tiwari.

....for the opposite party.

1. The petitioner filed an application which was registered as Misc. Case no.169 of 2023 praying for an order determining the independent right, title and interest of the petitioner in respect of the decretal property as lessee by virtue of a registered deed of lease dated November 4, 2010 and for the declaration that the decree passed in Title Appeal No.14/2013 arising out of Ejectment Suit no.154 of 2005 is not binding upon the petitioner. Upon going through the averments made and the reliefs claimed in the said application, this court finds that the said application was filed under the provisions of Order 21 Rule 101 of the C.P.C.
2. Such an application which was registered as Misc. Case No.169 of 2023 was dismissed Calcutta by an order dated 25.06.2025 by the learned Judge, 5<sup>th</sup> Bench, Presidency Small Causes Court. Such an order is

treated as decree in view of the provisions under Order 21 Rule 103 of the C.P.C. For such reasons, this court is not inclined to entertain this civil revisional application.

3. Faced with such situation, learned advocate appearing for the petitioner prays for leave to withdraw the civil revisional application with liberty to approach the appropriate forum in accordance with law.
4. In the light of the aforesaid submissions made by the learned advocate appearing for the petitioner, CO 2907 of 2025 stands dismissed as withdrawn with liberty to the petitioner to approach the appropriate forum in accordance with law.
5. 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 the photostat copy thereof.

**(Hiranmay Bhattacharyya, J.)**