

**Title Appeal No. 16/2024
(CNR WBEM01004995-2024)**

Present : Sri Shib Shankar Ghosh, JO Code No WBJO -00872 , Addl District & Sessions Judge, Fast Track 1st Court, Tamluk

Order No. 10

Dated 30.08.25

Today is fixed for order.

Hajiras for appellants and respondents are filed.

Record is taken up for passing order.

Order stems from a petition filed by appellant No.1 praying for withdrawal of herself from appeal as she does not want to proceed with the appeal.

I have already heard ld. Lawyers crossing swords with each other.

Perused the petition and record as well. It appears that appellant No.1 along with appellant No.2 and proforma respondent as plaintiffs filed a suit beint TS-135/2013 against respondents in the 3rd Court of Civil Judge (Jr. Div.) at Tamluk and said suit was dismissed on contest and thereagainst, plaintiffs numbering 1 and 3 preferred appeal and as plaintiff No.2 did not join them, he has been impleaded as proforma respondent in the appeal. The memo of appeal is signed by appellant No.1 and as such, her contention that she did not know as regards the institution of appeal is not believable. She does not want to proceed with the appeal in as much as she accepted the verdict given by ld. Trial court and as such, she wants to withdraw herself from the appeal. Since appeal has been filed by her and other appellant, her withdrawal from the appeal would not put an to the life of appeal. However, as she does not want to proceed with the appeal and she can not be forced to continue the appeal along with appellant No.2, her prayer is allowed. Her name stands withdrawn from the appeal. Petition accordingly, is disposed of. Necessary note in this regard be given in the memo of appeal and concerned register as well.

The sole appellant is directed to take proper steps for impleadment of Sumitra Das @ Sumita Das in the appeal as respondent or proforma respondent by the next date to be fixed.

Next date is fixed on **04.11.25** for taking steps by sole appellant Aparna Das and further order.

sd/-

D/C

ADJ, FTC-I, Tamluk
Purba Medinipur,
JO-WB872