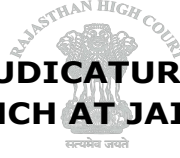




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil First Appeal No. 446/2026

Ramesh S/o Durgalal, R/o Beevanva Road, Near Pilot School,
Chanchal Tailors, Bundi, Tehsil And District Bundi (Raj.).

----Appellant

Versus

Smt. Naseem Ansari W/o Mohammad Rafiq, R/o Mordi, Para,
Near Jumma Masjid At Present R/o Shastri Colony, Nainwa Road,
Bundi (Raj.).

----Respondent

For Appellant(s) : Mr. Rakesh Babu

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

19/03/2026

1. Learned counsel for the appellant submits that, since the impugned order dated 12.02.2026 has been passed in a suit filed under Section 6 of the Specific Relief Act, 1963, although due to a *bona fide* inadvertence, the appellant has filed the present civil first appeal instead of filing a civil revision petition. He therefore seeks permission to withdraw the present first appeal with liberty to file a civil revision petition to assail the impugned order dated 12.02.2026. He further prays that the Court fees so paid by the appellant may kindly be refunded.

2. Heard.

3. Permission sought for is granted.

4. The present civil first appeal is dismissed as withdrawn, with liberty to assail the impugned order dated 12.02.2026 by filing a



civil revision petition. The court fees paid shall be refunded to the appellant.

5. Since the appellant is withdrawing the present appeal with liberty to avail other remedies available in law, he is entitled for the refund of the Court fees Rs.1,885/- in terms of the judgment passed by Hon'ble Apex Court in the matter of ***High Court of Judicature at Madras Vs. M.C. Subramaniam & Ors.***¹, therefore, the Registry is directed to prepare a certificate regarding the refund of the Court fees of Rs.1,885/- in favour of the appellant.

6. The Registry is further directed to return the *Vakalatnama* and certified copy of the impugned order to the learned counsel for the appellant, after retaining a xerox copy of the same on record.

7. In view of the aforesaid discussion, the present civil first appeal stands dismissed as withdrawn.

8. All other pending application(s), if any, also stand disposed of.

(MANEESH SHARMA),J

DEEPA-156

1 (2021) 3 SCC 560