

BEFORE
HON'BLE MR JUSTICE VED PRAKASH VAISH
CRP No. 19 of 2016

19.07.2016

Mr. K. Paul, learned counsel appears on behalf of petitioner.

Mr. S. Dey, learned counsel appears on behalf of respondent.

The petitioner, Shri L Michael Kharsyntiew has filed the present revision petition under Section-115 of the Code of Civil Procedure (C.P.C.) read with Article-227 of the Constitution of India against the impugned order dated 07.07.2016 passed by Learned Assistant to Deputy Commissioner, Shillong in Misc. Case No. 85 (T) 2016 arising out of Title Suit No. 28 (T) 2016.

Learned counsel for the petitioner submits that the petitioner had moved an application under Order 39 Rule 2A read with Section 151 of the Code of Civil Procedure, bearing Misc. Case No. 85 (T) 2016, which was dismissed by the Learned Assistant to Deputy Commissioner, Shillong vide impugned order dated 07.07.2016. Learned counsel for the petitioner fairly concedes that the impugned order is appealable under Order 43 Rule (1) C.P.C. He seeks permission to withdraw the present petition with liberty to avail appropriate remedy.

Accordingly, the present revision petition is dismissed as withdrawn.

JUDGE

V. Lyndem