

**HIGH COURT OF SIKKIM**  
Record of proceedings

**I.A. No.01 of 2023**  
**IN**  
**RFA No. 09 of 2023 (Filing No.)**

UMA SHANKER PRASAD & ORS. .... APPELLANTS

VERSUS

VIJAY KUMAR AGARWAL & ORS. .... RESPONDENTS

Date: 22.08.2023

CORAM

**HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.**

For Appellants : Ms. Gita Bista, Advocate.

For Respondent : Mr. Abishek Thami, Advocate.  
Nos.1 and 2.

Respondent : None.  
No.3.

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**1.** The learned counsel for the appellants submits that she has examined the case and it seems that the appellants have approached this court under the wrong provision of law. In such view of the matter, she desires to withdraw the present RFA No. 09 of 2023 (Filing No.) which has been filed by her along with the I.A. No. 01 of 2023 for condonation of delay seeking liberty to file afresh under the correct provision of law. Not opposed by the learned counsel for the respondent nos. 1 and 2. Liberty as prayed for is granted.

**2.** RFA No. 09 of 2023 (Filing No.) along with the I.A. No. 01 of 2023 is disposed as withdrawn with liberty to file afresh.

**Judge**