



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal no: **IA/42275/2013**

THE IMMIGRATION ACTS

At **Field House**

Determination

Promulgate

d

on **23 July 2014**

On 24th July 2014

Before

UPPER TRIBUNAL JUDGE PITT

Between

SARADA KHADKA

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION

1. The appellant applied to the Upper Tribunal for permission to appeal the decision of the First-tier Tribunal dismissing her appeal.
2. On 17 July 2014 the appellant wrote to the Upper Tribunal withdrawing his appeal. That letter was not linked to the file until today, 23 July 2014.
3. On 18 July 2014 Upper Tribunal Judge Warr considered the permission application. He dismissed it.
4. It remains the case that he did so without the appellant's withdrawal application having been put before him. It appears to me that I should set aside the decision of Upper Tribunal Judge Freeman in line with Rule 43(2) (d) as there has been a procedural irregularity and in line with paragraph 43 (1) (a) as it is in the interests of justice to do so.
5. The appeal to the Upper Tribunal is withdrawn in line with Rule 17.
6. The decision of First-tier Tribunal Judge Pedro promulgated on 17 April 2014 dismissing the appeal stands.

Signed: 
Upper Tribunal Judge Pitt

Dated: