

THE COURT OF CIVIL JUDGE (JR. DIV.)
BENIPUR, DARBHANGA
T.S. No. 28 of 2017
REGISTRATION No. 78 of 2017

S. No.	Date of Proceedings	Order with Signature of the Court	Office action with Date
1	2	3	4
	15.06.2026	Today the record is put up for order. This order shall decide two similar petitions. The first application was filed by the main plaintiff on 08.06.2026. The second application was filed by the counter-claim plaintiff on 10.06.2026. Both sides want to withdraw their claims unconditionally i.e. without seeking any permission to file any fresh suit because they have settled their property dispute outside of court. The parties have been fighting this property lawsuit since 2017. On 17.05.2026, village elders (Rural Panch) helped both sides reach a friendly compromise. The parties have already sold or disposed of the disputed land according to their settlement. Since the State of Bihar is a party to this suit, filing a standard compromise decree creates a technical legal roadblock. To bypass this, both sides agreed to completely drop their respective court claims. The relevant provision here is Order XXIII Rule 1 of CPC. It gives the plaintiff an absolute right to drop their case or abandon a claim at any time after the suit begins. Section 151 of the CPC gives the court inherent powers to pass orders that serve justice and prevent the abuse of the court process. In Hulas Rai Baij Nath v. Firm K.B. Bass and Co., AIR 1968 SC 111, the Apex Court ruled that a plaintiff has an unqualified right to withdraw a suit unconditionally. The court cannot force a plaintiff to keep fighting a case if they want to drop it, as long as no vested right has been created for the defendant. In this case, the defendant has also withdrawn their counter claim. Hon'ble Patna High court has also held in catena of cases that when both sides show mutual consent, have settled their private issues, and the opposite party gives formal "No Objection" consent, the court should accept the withdrawal to clear the judicial backlog. The court has reviewed both petitions carefully. Both advocates have signed the applications, and the parties have	

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affixed their thumbprints to show they are acting voluntarily without any outside pressure. Since the main parties have resolved their differences outside of court, continuing this 2017 lawsuit would waste the court's time. The State of Bihar is only a formal party, so dropping the suit will not hurt any public interests. In the instant case the parties are not seeking permission to file any fresh suit with respect to the subject matter of this case.

Accordingly, the application filed by the plaintiff under Order XXIII Rule 1 read with Section 151 CPC is allowed. **Title Suit No. 28 of 2017 is dismissed as withdrawn.** The application filed by the defendant is also allowed. **The Counter-Claim/Cross-Suit is dismissed as withdrawn.** No order as to costs.

O/C to consign the record to record room.



Civil Judge (Jr. Div.)
Benipur