

Title Suit No. 276 of 2024
CNR No.:WBSP03-000783-2024
Present : Sri Indranil Mitra, Civil Judge (Junior Division), 2nd Court, Alipore,
South 24-Parganas
JO Code :WB-01502

Order No. 06
Dated 17.02.2025

Record is put up today on the strength of a put up petition filed by the plaintiffs along with a petition for withdrawal of the suit supported by affidavit intending to move the application for withdrawal.

The put up petition is allowed.

Later:

The record is placed before me.

The petition for withdrawal is taken up for hearing.

The Ld. Advocate submits before the Court that the plaintiffs are willing to withdraw the instant suit as per the provision of Order 23 Rule 1 CPC without any leave to file a fresh suit. The Ld. Advocate further submits that the plaintiffs be allowed to withdraw the suit.

Both the plaintiffs are present.

Heard the Ld. Advocate for the plaintiff.

On hearing the Ld. Advocate, I consider it just to record the deposition of the plaintiff, present in the Court, with respect to the application under Order 23 Rule 1 CPC.

Plaintiff no. 2, Kartick Dutta, appeared on dock as witness and deposed as PW-1. The witness on dock states that he wants to withdraw the case without any leave to file fresh suit and do not want to proceed with the suit as there are some personal inconvenience. The self attested photocopies of Aadhar cards of the witness and his wife, plaintiff no. 1, Sagarika Dutta are marked as **Exhibit 1 collectively**.

Perused the petition, case record and the deposition of witness.

Considered.

Considering the fact that the plaintiffs voluntarily wants to withdraw the suit against the defendants without any leave to file fresh suit, I consider it just and appropriate to allow the petition for withdrawal. I did not record the deposition of plaintiff no. 1 separately as the witness, plaintiff no. 2, on dock, deposed that he and his wife want to withdraw the suit.

Hence, it is

ORDERED

that the instant petition for withdrawal is **allowed** and the Title Suit being no.276 of 2024 be and the same is **dismissed being withdrawn**.

There is no order as to costs.

The petition is thus disposed of.

Interim order, if any, stands vacated.

The suit is thus disposed of being **dismissed as withdrawn** without any leave to the plaintiffs to file fresh suit.

Upload order in CIS.

Note in relevant registers.

D/C by me,

Sd/-

CJ(Jr. Divn.), 2nd Court, Alipore
South 24 Parganas

Sd/-

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South 24 Parganas