

Regular Civil Appeal No. 10/2018

Common Order Below Ex. 1 & 12

(1) Present appellant seek to withdraw this appeal, with liberty to file appropriate applications to join present respondent party as defendant and to make amendment in prayer clause, in Special Civil Suit No. 11 of 2013 Principal Senior Civil Court at Rajpipla.

(2) Adv. A.I.Khatri for the respondent has made endorsement that he has no objection.

(3) Heard, both the parties. Perused record. The subject matter of land is common in present suit and also in 11/2013. It is also matter of contention in both suit, with regards to acquisition of subject land. Hence, it would be in best interest if prayer made by appellant is allowed. It is noted that suit no. 11/13 is dismissed for default, and the appellant shall take appropriate steps for restoration of it.

ORDER

1. Present appellant is permitted to withdraw this appeal with liberty to take appropriate steps in special Civil Suit No. 11 of 2013 at Rajpipla.

It is clarified that if the court below thinks fit to restore the said suit, then the present appellant shall be

entitled to file application of joining if parties or for amendment in prayer.

This order shall not come in way of court below, to decide any application filed by present appellant, on its own merits.

2. The present appeal is disposed as withdrawn.
3. No order as to cost.
4. R&P be sent back to Lower Court.

Signed and pronounced in this open Court on this 07th day of April, 2018.

Date:07/04/2018
Place: Rajpipla

[Nehalbhai Rajeshbhai Joshi]
Additional District Judge,
Narmada at Rajpipla
Code No.: GJ01318