

ORDER BELOW EXHIBIT-1

The present suit has been instituted by the plaintiff against defendants in respect of the three agricultural lands situated in Dahod Kasba area bearing (i) R.S.No. 324/૫/૫૩ ledger no.9478, (ii) R.S.No. 324/૫/૫૧ ledger no.6376 and (iii) R.S.No. 324 ૫૩૧ 2/૫૩૧ 1, R.S.No. 376અ/2 and R.S.No.350/1૫૩૧૧ ledger no.2835 which are averred to be 'suit lands' and belong to plaintiff's father. The plaintiff has sought relief of declaration that she is one of the co-owners in these suit lands and no defendant has any right of creating encumbrance over it, alongwith a relief of permanent injunction against defendant nos. 1 to 4 from creating any third party interest over it until partition of the suit lands is done. The defendants have submitted their written statement and plaintiff sought time for submitting counter-affidavit against it. Meanwhile, the plaintiff has submitted a withdrawal pursis vide Exh-22 wherein it is stated that defendants have agreed to give plaintiff her share and therefore, she wants to withdraw the suit with a condition to file a fresh suit in respect of suit lands in case any dispute arises in future qua her share. The defendants' Id. Advocate has mentioned a written objection against this withdrawal stating that plaintiff's father is alive at present and since, the suit lands are his self acquired properties, plaintiff cannot be allowed to withdraw the same conditionally. In this regard, if the averments of plaint are carefully perused then plaintiff has mentioned in the beginning itself that all suit lands are properties of her father. There is no any counter submission by the plaintiff in this regard and since, the plaintiff has submitted this

withdrawal pursis with her free will, the following final order is passed to secure the ends of justice.

ORDER

1. The plaintiff is allowed to withdraw the Regular Civil Suit No.51/2023 unconditionally as she has stated that defendants have agreed to give her share.
2. Cost of this litigation is ordered to be borne by the plaintiff.
3. Court fee is to be refunded to the plaintiff as per applicable rules.

This order is read over and pronounced on 14th September, 2024 ,i.e. in the National Lok Adalat, bearing my signature.

Date:14/09/2024

Place: Dahod

(Dipali Dineshchandra Shah)

Additional Civil Judge

Dahod

Judge Code: GJ-01551

(Typed: Self)