

Title Suit- 580/2022
CNR-WBHG080008112022
JO-WB01482

04 / 22.11.2022

Record is put up today at the instance of the plaintiff along with an affirmed petition u/Order 23 Rule 1(3) CPC.

Plaintiff files an affirmed petition praying for permission to withdraw instant suit with liberty to file a fresh suit in respect of self same cause of action inter alia on the plea of existence of some technical defects in the plaint.

Defendants have yet not been appeared.

Plaintiff is found present in person and filed a petition for withdrawal of the suit, supporting with affidavit.

Record is taken up for hearing of an affirmed petition filed for withdrawal of this suit.

Perused above petition as filed this day i.e. on 22.11.2022. Heard the Ld. Advocate appearing on behalf of the Plaintiff. Also examined the Plaintiff on witness box as personally present today in court as P.W-1. Considered.

Considering all, let this instant suit be allowed to be withdrawn by Plaintiff in terms of Order 23 Rule 1 (3) of C.P.C. with liberty to the Plaintiff to file a fresh suit in respect of self same cause of action as involved in this suit but however, subject to the period of limitation as prescribed by law.

With the aforesaid observations, the instant petition filed by Plaintiff stands disposed of.

Office to note.

In view of instant order, the case record need not be put up on date fixed which appears to be fixed for ascertaining contest.

Dictated and corrected by me

**Civil Judge, (Junior Division),
2nd Court, Serampore, Hooghly**

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