

Dtd: 25.03.2026

Plntf by K.N. Advt.

Def : by BDS Adv.

For orders

ORDER ON IA.No.10

1. The Plaintiffs have filed I.A. No. 10 under Order 23 Rule 1 read with 151 of C.P.C. praying to withdraw the above suit in order to file fresh suit on the same cause of action.

2. In support the application the plaintiff has filed affidavit and stated that there are formal defects and they have left many necessary parties at the time of filling suit. Hence, it is necessary to withdraw the above suit and file fresh suit. Hence prayed to allow the application.

3. The defendants have filed detailed objections and prayed to dismiss the application.

4. On perusal of the materials on record it is noted that there is a formal defect in including necessary parties and the counsel for plaintiff during course of arguments submitted about many formal defects about framing of suit. So, it is fit case to permit the plaintiffs to withdraw the suit and to file separate suit if law of limitation permits. If the application is not allowed, the plaintiffs may fail. Hence, I.A.No.10 deserves to be allowed to meet the ends of justice. Hence, this Court proceed to pass the following;

ORDER

I.A.No.10 filed by the plaintiff U/O 23
rule 1 R/w Sec.151 of C.P.C is hereby
allowed on cost of Rs. 4,000/-.

The plaintiffs are hereby permitted to
withdraw the suit with liberty to file a
fresh suit on same cause of action.

Civil Judge & JMFC.,
Alur