

Dtd: 23-06-2026.
Plntf by R.B.S. Advt.
Def : by B.M.G. Adv.
For orders

ORDER ON I. A. No. 6

1. The Plaintiffs have filed I.A. No. 6 under Order 23 Rule 1 (3) 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 of the application the plaintiff has filed affidavit and stated that there are formal defects and necessary facts are left out at the time of filing suit. Hence it is necessary to withdraw the above suit and file fresh suit. Hence prayed to allow the application.

The counsel for defendant has submitted the application may be allowed on cost.

4. On perusal of the materials on record it is noted that there is a formal defect in mentioning the necessary facts. 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.6 deserves to be allowed to meet the ends of justice. Hence, this Court proceed to pass the following;

ORDER

I.A.No.6 filed by the plaintiff U/O
23 rule 1(3) R/w Sec.151 of C.P.C is
hereby allowed on cost of Rs. 3000/-

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