

## **ORDER ON I.A.NO. 4**

The plaintiff has filed I.A.No.4 U/o 23 Rule 1 of CPC to seeking permission to withdraw the suit to challenge the compromise decree passed in O.S.No.38/2025 before Hon'ble High Court of Karnataka.

On the ground the matter in O.S.No.38/2025 was compromised before Lok-Adalath since this plaintiff is not party to the suit. Further the suit land which was compromised by the defendants was already acquired under Land Acquisition Act and award has been passed but behind back of this defendants got compromised before this court and compromise decree has been passed. Hence they wants to challenge the compromise decree before Hon'ble High Court of Karnataka. Hence prays to withdraw the suit.

On the other hand the defendant has filed objections contending that the plaintiffs have filed suit for declaration but he has denied the land has been acquired. Further this defendant has application U/o 7 Rule 11(a) and (d) of CPC in mean time this application is came to be filed. Hence prays to reject the same.

Heard on both sides.

On going through the material on record, the plaintiff has filed suit for declaration and seeking relief of injunction seeking declaration of title by way of adverse possession. It is contention of during pendency of suit the plaintiffs have contended that the defendant No.4 has filed O.S.No.38/2025 in respect same suit property and matter was compromised before Lok-Adalath. Further by challenging the compromise decree passed in O.S.No.38/2025 they have filed this suit seeking title by way of adverse possession. Further during pendency of suit they have got the knowledge the present suit property which is suit property in O.S.No.38/2025 has been acquired by the Government. Hence there is formal defect hence they wants to withdraw the suit and to invoke writ jurisdiction. Since the decree passed in O.S.No.38/2025 is award as per legal service authority act 1977. Since the plaintiff has contended that suit property has been already acquired. Hence there is formal defect in the suit. Accordingly Accordingly, I proceed to pass the following;

**ORDER**

I.A.No.4 filed by the plaintiff U/o 23 Rule 1 of CPC is hereby allowed.

Accordingly plaintiff is permitted to withdraw the suit, with liberty as sought in the application.

Senior Civil Judge  
& JMFC Chittapur