

**IN THE COURT OF PRL. CIVIL JUDGE AND JMFC,
BALLARI.**

**OS No. 628/2019
Dated: 15-12-2025**

Counsel for plaintiff filed memo and prays to dismiss the suit.

Perused the memo, as per the para No. 2 of the memo parties have settled the dispute among themselves and as such plaintiff is not pressing the suit.

However in the para No. 3 plaintiff sought for permission to file a fresh suit if circumstances are made him to file a suit.

As per order 23 Rule 1(3) of CPC, if the court is satisfied that there is a formal defects in the suit, there is sufficient ground for allowing the plaintiff to institute a fresh suit for the subject matter of the suit, it can granted liberty for the plaintiff to file a fresh suit. Whereas in this case, the plaintiff filed memo to dismiss the suit as dispute settled among them. Therefore this court has got no power to permit the plaintiff to file a fresh suit. However the plaintiff has got power to withdraw the suit. Hence I proceed to pass following,

ORDER

Memo filed by the plaintiff is hereby accepted. Suit of the plaintiff is hereby dismissed without giving any liberty to file a fresh suit on the same cause of auction.

Accordingly suit is disposed off.

Sd/-

PCJ & JMFC., Ballari.