

The appellant herein has questioned order dated. 11.12.2025 in O.S.No.1178/2025 on the file of V Addl. Civil Judge and JMFC, Mysuru. Appellant herein has filed application U/o 23 Rule 1 R/w Sec. 151 of CPC, seeking permission to withdraw the appeal and liberty to file fresh appeal on the same cause of action before proper jurisdictional Court. It is contended that, the impugned order is passed by V Addl. Civil Judge and JMFC, Mysuru in O.S.No. 1178/2025. By oversight the appellant has filed present appeal before this Court and this Court lacks the jurisdiction. Hence, seeks to withdraw the appeal and file a fresh appeal before proper jurisdictional Court. Heard, perused. The appellant herein has challenging the order dated. 11.12.2025 in O.S.No. 1178/2025 on the file of V Addl. Civil Judge and JMFC, Mysuru. Since the appellant has to file the appeal before Senior Division by oversight filed appeal before this Court. Now, the present appeal is filed seeking withdraw the appeal and file fresh appeal before proper jurisdictional Court. Appellant has to prefer the appeal before the proper jurisdictional Court. Hence, the appellant is permitted to withdraw the appeal with liberty to file a fresh appeal before the proper jurisdictional Court. Accordingly, application is allowed. However, it is made clear that, the delay in preferring the appeal before the jurisdictional Court may be considered due to filing of the appeal before wrong forum. The jurisdiction Court may condone the delay if it is file without any further delay before the jurisdictional Court. Appellant also files memo seeking return of the documents filed in the present appeal. Office is directed to return the certified documents produced in the appeal on due verification.

**III ADDL DISTRICT AND SESSIONS
JUDGE, MYSURU**