

IN THE COURT OF SENIOR CIVIL JUDGE & CJM
AT KOPPAL

OS 143/2022

24-01-2024

ORDER

ORDER ON I.A.NO.6

The IA No.6 U/o 23 Rule 1(3) R/w Section 151 of CPC filed by the learned counsel for the plaintiff praying to permit her to withdraw the suit and institute a fresh suit on the same cause of action. Thereafter the said IA was not pressed by the learned counsel for the plaintiff. Hence IA No. VI is dismissed as not pressed.

Sd/-

(Smt. Bhavani L.J.)
Sr. Civil Judge and CJM,
Koppal.

ORDER ON NOT PRESS MEMO

The plaintiff has filed the memo and prayed to dismiss the suit as not pressed.

- 2.** The learned counsel for defendant No.1 to 4 submitted no objection to the memo filed by the plaintiff.

3. Heard the learned counsel for defendant No.1 to 4 and proposed defendant No.5.

4. This is suit filed by the plaintiff against the defendant No.1 to 4 for the relief of partition and separate possession. In the meanwhile the proposed defendant appeared through his counsel and filed the application to implead him in this suit. The counsel for the plaintiff submitted no objection to the said IA. Hence the said application was allowed and plaintiff was directed to amend the plaint and the case was posted for amendment on 18-12-2023. On 18-12-2023, the learned counsel for plaintiff filed advance application and filed IA No.6 and the case was posted for objection. Sri.S.M.D Advocate filed vakalath for plaintiff along with no objection of the earlier counsel and also filed not press memo to the IA No.6 and not pressed memo and prayed to dismiss the suit as not pressed.

5. The advocate for proposed defendant No.5 filed objection to IA No.6, but he has not filed to the objection to not press memo. Plaintiff has filed the suit for partition. The defendant No.1 to 4 appeared their counsel, but not filed written statement. Further no amendment has been

made in respect to impleading of the proposed defendant No.5. Hence there is no written statement by the defendant No.5. Plaintiff is the master of the case and she does not want to proceed with the case. Further no liberty sought for by the plaintiff to file the suit on same cause of action. Under such circumstance, not press memo filed by the plaintiff to dismiss the suit needs to be allowed in the interest of justice. Accordingly, I pass the following;

ORDER

The suit of the plaintiff is hereby dismissed as not pressed as per memo.

Sd/-

**Senior Civil Judge & CJM,
Koppal.**