

Case is advanced and takenup on todays board on application for advancement filed by Sri BSK adv. for plaintiff.

Sri. BSK adv. has filed IA No. II U/o. 23 R1 R/w. 151 of CPC seeking permissions to withdraw the suit unconditionally.

Heard Sri. BSK adv. for plaintiff on IA No.II.

In the affidavit annexed to the application the plaintiff/ applicant has specifically stated that the defendants not at all encroach his 'A' suit schedule property and they are constructing the house in their 'B' suit schedule property and due to some wrong informations, she has filed the suit. It is further deposed that, as per the advice of the elders of the village, parties to the suit got measured their properties and it is found that defendants are not encroached her 'A' suit schedule property and accordingly, it is prayed to dismiss the suit as withdrawn unconditionally.

On prima facie perusal of facts deposed in the affidavit, same would indicates that the plaintiff has filed this suit inadvertently without knowing the actual status of the suit schedule properties and she is not willing to proceed further with the suit upon identification of her property after measurement. Therefore, proceeding further with the suit doesn't serve any purpose. Hence there is no impediment for this court to dismiss the

present suit as withdrawn as claimed in the application. Accordingly, the following:-

Order

IA No. II filed U/o. 23 R1 R/w. 151 of CPC by the plaintiff is hereby allowed.

Consequently, suit of the plaintiff is hereby dismissed as withdrawn.

Case is closed.

Sd/-
C.J. and JMFC., Hangal