

In the Court of : **SUB-JUDGE-I, BAKHRI**
Present: MANOJ KUMAR SINGH, CIVIL JUDGE(Sr. Div.), BAKHRI, BEGUSARAI.
Title Suit No.-40/2024, CIS Reg. No.-40/2024



BRBE220000452024

In the matter of-

Sanjay Kumar Sinha & Anr.

..... Plaintiffs

Vs.

Smt. Sunita Sinha & Ors.

..... Defendants

Sl.	Date of Order of proceedings	Order with signature of the Court	Office action taken with date
1	2	3	4
	10.08.26	Today plaintiffs file a petition under Or.-23 Rule-1 of CPC seeking permission to withdraw the instant suit without reserving their right to file fresh suit on same cause of action. <u>ORDER</u> Ld. Counsel of the plaintiffs has pressed the petition dt.-10.08.26 and submitted therein that the present suit is pending for the plaintiffs' evidence. the plaintiffs filed the instant suit for granting and decree in favour of the plaintiff declaring the sale deed dated- 02-02-2006 executed by Yugal Kishore Sharan (defendant no.-02) in favour of Sunita Sinha (defendant no.-01) as void ab-initio along with other ancillary reliefs. the defendant no.-01 Smt. Sunita Sinha and her sister Shobha Devi had also filed Title Partition Suit No.- 40/2017 in this learned Court of Sub Judge Bakhri, Shobha Devi and others versus Yugal Kishore Sharan and others, in which the suit land is also the suit land of this title suit no.-40/2024 and in title partition suit no.-40/2017 the plaintiffs and defendants compromise, so that there is no cause of action for the present suit no- 40/2024 which has necessitated to file this petition for withdrawal of the present suit. The plaintiffs are desirous to withdraw the present suit without any terms and condition and the plaintiffs have also undertook to not to file another suit for the present cause of action of the present suit. Ld. counsel further submitted that for the ends of justice this petition is fit to be allowed, If allowed the defendants will cause no prejudice and if this petition is not allowed the plaintiffs will suffer irreparable loss as the plaintiffs do not want to proceed the present suit. The learned counsel on behalf of the plaintiffs prays to dispose of the suit on the basis of the withdrawal of the suit by the plaintiff. Heard and perused the record. From the perusal of the record, it appears that both the plaintiffs of this suit, 1.Sanjay Kumar Sinha and 2. Ranjan Kumar Sinha, through their application dated 10.08.26 under Order-23 Rule-1 C.P.C., pray before the court that he does not wish to contest this suit and wants to withdraw the suit. The said application of the plaintiff	

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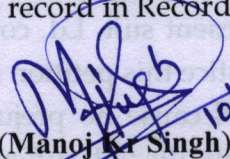
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	Continued 10.08.26	is supported by an affidavit and signed by his learned counsel. Both the plaintiffs are physically present before court and admit the averment of the petition in hand. It appears from the record that this suit has been brought against the defendants for the declaration of title and partition of the suit land. In any suit, the plaintiffs are the masters of their suit (<i>dominus litis</i>). The plaintiffs have stated in their application that the dispute of this suit between both parties has been resolved. The plaintiffs themselves do not wish to contest this suit further and want to withdraw it unconditionally, and the plaintiffs also state that they will not institute a fresh suit against the defendants in the future on the basis of the cause of action mentioned in the suit. The suit is fixed for the plaintiffs' evidence. Therefore, keeping in view the facts and circumstances of the suit, in the interest of justice, the plaintiffs' application dated 10.08.2026 is ALLOWED, and this suit is DISMISSED on the basis of withdrawal. <i>Since this suit is being disposed of on the basis of unconditional withdrawal by the plaintiffs, therefore the plaintiffs shall be precluded from bringing a fresh suit in respect of the 'Cause of Action' of this suit. All pending applications in this suit, if any, shall be deemed disposed of.</i> Office is directed to deposit the case record in Record Room as per law.  (Manoj K Singh) Sub-Judge-I, Bakhri, Begusarai.	