

MHAU110012832021



**ORDER BELOW EXH. NO. 01 IN  
REGULAR CIVIL SUIT NO. 115/2021**

**(01).** Plaintiff No. 2 in counter claim have filed an application at Exh. 34 praying to permit them to withdraw the suit with liberty to file fresh suit against these defendants. It is stated by the plaintiff No. 2 in counter claim that, this suit is filed for the partition and separate possession. Plaintiff No. 2 in counter claim wish to file a new suit for the partition and separate possession. Hence, this application.

**(02).** The defendant in the counter claim has not filed their say on this application. Hence no say order is passed them on 12.03.2026.

**(03).** Heard, Ld. Advocate for the plaintiff No. 2 in the counter claim. Admittedly the suit is for the partition and separate possession. As per Plaintiff No. 2 in counter claim by withdrawing this suit, she wish to file fresh suit for the partition and separate possession. Considering, these facts following order is passed.

**ORDER**

1. Plaintiff No. 2 in counter claim is allowed to withdraw the suit with liberty to file fresh suit vide Order 23, Rule 3 of the Code of Civil Procedure.
2. Proceeding is closed.

Date. 12/03/2026.  
Phulambri.

(Dr. R. S. Kulkarni)  
**Civil Judge Junior Division,  
Phulambri.**