



IN THE COURT OF JOINT CIVIL JUDGE (JUNIOR DIVISION), CHAMORSHI
(Presided Over by Diksha D. Vighne)

Regular Civil Suit No. 28/2021

Amal Jyotish Mandal

Age :- 55 years, Occ.:- Agriculturist

R/o. Vikrampur,

Tq.-Chamorshi, Dist.-Gadchiroli.

----- **Plaintiff**

-Versus-

1. Savita Nirapad Gain

Age :- 57 years, Occ.:- Agriculturist,

2. Aaduri Niraj Sarkar

Age :- 59 years, Occ.:- Agriculturist,

3. Nirapad Suren Gain

Age :- 62 years, Occ.:- Agriculturist,

All R/o. Vikrampur,

Tq.-Chamorshi, Dist.-Gadchiroli.

----- **Defendants**

Appearance:-

Advocate for Plaintiff :- Shri. K. T. Satpute

Advocate for Defendants :- Shri. P.M. Dhait

Order Below Exh No.01

(Passed on 29/11/2023)

This is the suit for permanent Prohibitory injunction.

2. Plaintiff has filed purshis at Exh. 53 and stated that he does not want to proceed the case against defendants. Therefore, he wants to withdraw the suit. Thus, he has prayed for closing of his suit. It is submitted by learned advocate for plaintiff that he wants to withdraw this suit unconditionally under Order XXIII Rule 1(1) of C.P.C.

3. I have perused purshis at exh. 53. It is seen that the plaintiff

want to withdraw his suit against defendants unconditionally. However, due to the filing of case by plaintiff the defendants have faced financial loss as submitted by learned advocate for defendants. Therefore, the plaintiff is at liberty to withdraw his application but at the same time he is liable to pay cost as per Order XXIII Rule 1 (4) of C.P.C. Thus, I pass following order.

Order

1. Suit is unconditionally withdraw with cost of Rs.1,000/- payable to defendants by plaintiff.
2. The counter claim of defendants will be proceeded continue.
3. Both parties to take note.

Date: 29.11.2023

Sd/-
(Diksha D. Vighne)
Jt. Civil Judge (Jr. Dn.),
Chamorshi.