

CS(BKG)-77 of 2022

07.05.2025

The case record is put up today as the learned Counsel for the plaintiff has filed a petition u/o 23 rule 1 C.P.C. for withdraw the suit. Heard on the petition u/o 23 rule 1 C.P.C. Heard on the petition. Put up on National Lok Adalat schedule to be held on 10.05.2025 for consideration and passing of necessary order.

Sd/-

Civil Judge(Jr.Divn), Jharsuguda

10.05.2025

The case record is put up today before National Lok Adalat for consideration of petition U/o-23, Rule 1(3) of CPC, 1908 dtd 08.05.2025 for withdrawal of the suit.

The plaintiff has filed a petition praying therein to withdraw the case. Withdrawal simpliciter i.e. without seeking relief to sue afresh is the plaintiff's choice and the Court has no discretion in this regard. Further the plaintiff is the master of his own suit and one cannot be forced to prosecute in the proceeding against his will. Unless the plaintiff is a minor or any other person to whom the provisions contained in Rule 1 to 14 of Order 32 having extended, he is at liberty to withdraw his suit. In the instant case, the plaintiff does not come under the provisions contained in Rule 1 to 14 of Order 32. Upon such scenario, there is no embargo before the Court of law to allow the said petition. Hence the petition filed by the plaintiff is allowed. Resultantly, the suit is allowed to be withdrawn without seeking leave to sue afresh.

The case is to be treated to have been disposed of for all practical purposes. If need not be shown in any statistical return henceforth. Necessary entries by made in the connected registers.

Sd/-

Civil Judge(Jr.Divn), Jharsuguda