

TS 468 of 2022
CNR No. WBSP09-000745-2022

Dated: 14.03.2023

The case record is put-up today on the strength of a petition filed by the Ld. Advocate for the plaintiff.

The plaintiff has filed an application, on affidavit, praying for withdrawal of the instant suit within the meaning of Order 23 Rule 1 of CPC.

The defendant has not yet appeared in the instant suit.

The said application is taken up for hearing.

The partner of the plaintiff-concern, Raya Roy Mukherjee, has filed a photocopy of his Aadhar Card bearing no. 6628 5514 4158, by way of firsti bearing his signature duly attested by his Ld. Advocate.

In view of the said application, the petitioner is examined on oath and discharged.

In the aforesaid application, it has been stated *inter alia* that there are some technical defects in the instant suit which cannot be cured. As such, the plaintiff does not wish to proceed with the suit any further.

In the course of hearing, Ld. Advocate for the plaintiff submitted that the owing to come technical defects in the present suit, the plaintiff has prayed for withdrawal of the instant suit with a liberty to sue afresh.

Considering the materials on record and the submission made by both the parties, I am inclined to allow the prayer of the petitioner/plaintiff.

Hence, it is

ORDERED

that, **the application filed by the plaintiff within the meaning of Order 23 Rule 1 of CPC is hereby allowed.**

The instant suit, Title Suit 468 of 2022, be and the same is hereby dismissed as withdrawn.

The plaintiff is given the liberty to sue afresh.

Interim orders, if any, stand vacated.

Note in the Register.

Civil Judge (Jr. Division)
1st Court, Sealdah
(UID: WB01468)

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