

Order No 03

21.05.2025

Petitioners through counsel present. Learned counsel for petitioners filed application for withdrawal of the case/suit with permission to file afresh one contending that there is a formal defect in the suit.

Order XXIII, Rule 1 CPC empowers the petitioner to withdraw his case/suit at any time after the institution of the same with permission to file afresh one subject to formal defect and subject to satisfaction of the court.

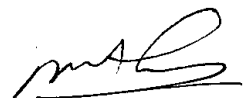
As per contents of application, petitioner namely Mst: Gul Razera has filed the instant suit. That petitioner Mst: Gul Razera has died. Inquiry report regarding the death of Mst: Gul Razera also placed on file. Son of petitioner appeared before the court and requested for withdrawal of the suit with permission to file afresh one for the reason mentioned in the application.

Therefore, keeping in view the contents of application and arguments of counsel for petitioners the application for withdrawal of the suit with permission to file afresh one is hereby accepted. The suit in hand is dismissed as withdrawn with permission to file afresh one. No order to costs.

File be consigned to record room after necessary completion and compilation.

Announced.

21.05.2025



Muhammad Junaid Alam
Civil Judge-II, Tehsil Court
Kalaya, Orakzai