

**Present: Sri. Subhasis Ghosh, Judge, Bench-XI
(J.O. Code: WB00579)**

Title Suit No.775 of 2017

Order No.96 / Dated 05.09.2024

Record is put up today on the prayer of Ld. Advocate for the Plaintiff. Plaintiff has filed one application under Order XXIII read with Section 151 C.P.C praying for withdrawal of this suit. Copy served. Ld. Advocate for the Defendant endorsed 'no objection' on the said application.

The said petition is taken up for hearing.

Perused the instant petition and the case record.

Plaintiff, Vijay Agarwal adduced evidence as P.W.1 in connection with the application filed by the Plaintiff on this day. He deposed that "I am the plaintiff of this case. Today I have filed one application for withdrawal of the suit since this Ld. Court has no pecuniary jurisdiction to try this suit. I have signed the aforesaid application and also the affidavit attached with the aforesaid application." Ld. Advocate for the Defendant declined to cross-examine this witness.

Thereafter, heard Ld. Advocate for the Plaintiff with reference to the aforesaid application. Also heard Ld. Advocate for the defendant, who raised 'no objection' against the aforesaid petition.

From the evidence of P.W.1 i.e. Plaintiff and after hearing of Ld. Advocates for both sides, this Court has come to a conclusion that Plaintiff has assigned sufficient ground towards the withdrawal of the instant suit.

When the plaintiff is not interested to proceed with this case further, then the instant petition filed by the plaintiff on this day should be allowed.

Hence, it is

O R D E R E D

That the petition under Order XXIII read with Section 151 C.P.C filed by the Plaintiff on this day praying for withdrawal of this suit is hereby considered and allowed. Plaintiff is hereby permitted to withdraw this suit with a liberty to sue afresh.

Let the instant suit bearing Title Suit No.775 of 2017 be **withdrawn.**