

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.345 of 2016**

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Deepak Kumar Sharma & Anr

.... Appellant/s

Versus

Arti Sharma & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhananjay Kumar Upadhyay

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 27-06-2016

Heard the learned counsel, Mr. Sanjay Kumar for the
petitioners.

By the order dated 03.05.2016, the learned Sub Judge
IV, Munger allowed the plaintiffs-respondents to withdraw Title
Suit No.81 of 1973 under Order 23 Rule 1 C.P.C. and thus,
dismissed the suit as withdrawn.

Since there is no provision in C.P.C. to insist a person,
who has filed the suit, to proceed even if he desires to withdraw
the suit itself. Moreover, in the present case, no liberty has been
granted to the plaintiff to institute another suit.

In such view of the matter, I do not find any reason to
interfere with the impugned order whereby the plaintiffs were
permitted to withdraw their suit.

Thus, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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