

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL REVISION PETITION No.1051 OF 2014

ORDER:

This Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, 1908, by the unsuccessful petitioner/plaintiff against the orders dated 13.03.2013 of the learned V Additional District Judge, Karimnagar passed in I.A.no.109 of 2013 in O.S.no.83 of 2013.

2. I have heard the submission of learned counsel for the revision petitioner and the learned counsel for the respondents. Perused the material record.

3. By the order impugned in this revision, the trial Court, while granting permission to the petitioner/plaintiff to withdraw the suit, had *inter alia* observed that no fresh suit can be filed by it.

4. At the hearing, the learned counsel for the revision petitioner submits that the above said order may be modified and the rider added in the order of the Court below that "no fresh suit by him can be filed" be deleted as the petitioner/plaintiff is always entitled to institute a fresh suit, which the law permits.

5. The learned counsel for the respondents fairly submits that the petitioner/plaintiff is always entitled to file a legal proceeding, which the law permits and therefore appropriate orders be passed.

6. Having regard to the submissions of both the sides, the order impugned in this Civil Revision Petition is modified to the extent the petitioner/plaintiff is prevented from filing a fresh suit by accordingly deleting the last sentence in the impugned order "no fresh suit by him can be filed".

7. The Civil Revision Petition is accordingly disposed of.
There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision
Petition shall stand closed.

M. SEETHARAMA MURTI, J

Date:27.06.2016

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