

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.20 of 2017**

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Shashi Kant Thakur

.... Petitioner/s

Versus

Amar Kant Jha & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Baidya Nath Thakur

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

2 18-01-2017 Heard the learned counsel, Mr. Baidya Nath Thakur for
the petitioner.

Perused the impugned order dated 24.08.2016 passed by
2nd Munsif, Darbhanga in Title Suit No.37 of 2012 whereby the
learned Court below has permitted the plaintiffs-respondents to
withdraw the suit.

Since the plaintiffs-respondents are withdrawing the suit
simplicitor without seeking leave to file another suit on the same
ground, there is no provision in C.P.C. that the court should
compel the plaintiff to fight the suit. According to Order 23 Rule 1
C.P.C., the plaintiff can abandon his claim at any stage.

Thus, I find no reason to interfere with the impugned
order in exercise of supervisory jurisdiction and accordingly, this
civil miscellaneous application is dismissed.



The petitioner may pursue his remedy in appropriate forum by initiating appropriate proceeding.

(Mungeshwar Sahoo, J)

Saurabh/-

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