

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE
CS 149 OF 2023
IN THE MATTER OF:
NITESH SADANI
VS
SUDHA KEDIA AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 28th July, 2023.

Appearance:
Ms. Manju Agarwal, Adv.

The Court : At the time of presentation of plaint, the plaintiff says that there are certain defects which has transpired to the learned advocate representing the plaintiff subsequent to the filing of the plaint in the computer department. It will be also cumbersome to include the corrections even if permitted to be carried out by leave of the Court.

It is submitted on behalf of the plaintiff that he intends to withdraw this plaint and file a fresh one on the self-same cause with the same court fees, which may be returned.

In the aforesaid facts and circumstances, since the plaint has not been presented and, as such, has not formally entered the records of the Court save and except being filed in the computer department for which a number has been allotted, the plaint be returned along with the court fees with leave to the plaintiff to file on the self-same cause of action, if permissible in law by using the same court fees subject to any statutory restrictions for the same.

The department shall take expeditious steps for returning the plaint with the court fees and de-register the suit number along with any application filed therein.

(ARINDAM MUKHERJEE, J.)