

D/L- 20
18/02/2025
Ct. No.-6
Aritra

C.O. 545 of 2025

**Sujit Kumar Mitra & Anr.
Versus
Gourab Kumar**

Mr. Krishnendu Goopta
Mr. Kanakendu Chatterjee
...for the petitioners

Mr. Udaynarayan Betal
Mr. Mriganka Patra
....for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order dated January 29, 2025 passed by the learned Civil Judge (Sr. Divn.), 3rd Court, Howrah in Title Suit NO.194 of 2020. By the order impugned the application under Order 23 Rule 1 read with Section 151 of the Code of Civil Procedure along with the affidavit on behalf of the plaintiff has been filed and the same was kept with the record.

The learned advocate appearing for the petitioner submits that the local Bar Association has adopted a resolution not to appear before the concerned Presiding Officer. Such submission has not been disputed by the learned advocate appearing for the opposite party.

With the consent of the parties the application under Order 23 Rule 1 read with Section 151 of the Code of Civil Procedure is taken up for consideration by this Court.

It appears from the said application that during pendency of the suit at the intervention of some well-wishers and common friends all the parties to this suit, good senses prevailed upon them and all the parties have settled their disputes amicably out of Court.

In view thereof the petitioner herein filed an application praying for withdrawal of the suit without any leave to file afresh.

The learned advocate appearing for the opposite party does not oppose the prayer of the petitioner as indicated in the aforesaid application.

In view thereof the application under Order 23 Rule 1 read with Section 151 of the Code of Civil Procedure is allowed. The suit stands dismissed as withdrawn without any liberty to the plaintiff to file afresh.

With the above observations and directions CO 545 of 2025 stands disposed of.

Registry is directed to communicate this order to the learned Civil Judge (Sr. Divn.), 3rd Court, Howrah.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)