

Order No.04

20.09.2022

Plaintiff present. Representative of defendants also present. Plaintiff requested for withdrawal of the suit with permission to file a fresh one.

Representative of defendants conceded the same. Record perused.

Plaintiff requested for withdrawal of the suit with permission to file a fresh one alleging that there are incorrect and incomplete averments in the plaint which amounts to formal defect in the suit and suit will ultimately fail by this reason of formal defect.

Order XXIII, Rule 1 CPC empowers the plaintiff to withdraw his suit at any time after the institution of the suit with permission to file a fresh one subject to formal defect and subject to satisfaction of the court. There are incorrect and incomplete averments in the plaint. This fact is also admitted by respondent/defendants. Incorrect and incomplete averments of plaint amounts to formal defect and suit of plaintiff will ultimately fail by reason of this formal defect.

Keeping in view formal defect in the suit, application for withdrawal of the suit with permission to file a fresh one is hereby accepted subject to

cost of Rs. 500/-. Resultantly, suit in hand is dismissed as withdrawn with permission to file a fresh one subject to all legal limitations within 10 days.

ZAHIR KHAN
Judge of
Orakzai

20/09/2022

File be consigned to record room after necessary completion and compilation.

Announced.
20.09.2022



Zahir Khan
Civil Judge-I, Kalaya, Orakzai