

**IN THE COURT OF THE SENIOR CIVIL JUDGE, AIZAWL DISTRICT, AIZAWL
MIZORAM**

Civil Misc. No.21/12 in connection with Civil Suit No.82/2011

J Pazawna

.....Plaintiff

-Versus-

State of Mizoram & Ors

..... Defendants.

BEFORE

R.VANLALENA, Senior Civil Judge

For the Plaintiff : Shri Nelson Sailo & ors, Advocates.

For the Defendants : GA/AGA

ORDER

Dated 6.2.2012

Today is fixed for hearing on the Civil Misc. Application No.21/2012 arising out of Civil Suit No.82/2011 filed by Shri Nelson Sailo & ors., Advocates under Order 23, Rule 1(3) R/w section 151 CPC 1908 for withdrawal of Civil Suit No.82/2011.

I have heard the ld. petitioner who submitted that he would be so grateful if the court grant him a permission to withdraw the Civil Suit No.82/2011 which is likely to fail owing to formal defects in the plaint due to bonafide mistake which are point by point mentioned in the present petition for withdrawal.

The Civil Suit No.82/2011 related to a suit for a declaration of right, title of ownership of a suit land area covered by Misc. Pass No.216 of 1957 and also for cancellation of all the allotments of the defendants given within the said land and also to evict the defendants from their possession of the land.

In the said suit, defendants No.1-7 are authority of State Government of Mizoram. Defendants No.8-28 are private defendants.

I have also heard the ld. Asst. Govt. Advocate Pu Joseph Lalfakawma who submitted that he has no objection to the withdrawal petition. I have also heard Shri K.Kawlkhumma, ld. Counsel for defendants No.8-28 who also submitted that he has no objection to the withdrawal petition of the plaintiff.

On hearing both sides and on careful perusal of the records available at hand, this court is of the opinion to grant permission to the plaintiff to withdraw his case with a liberty as prayed for to file a fresh suit on the same cause of action as per law.

Accordingly, the Civil Suit No.82/2011 stands withdrawn with liberty to file a fresh suit on the same cause of action.

With this order, the petition CMA No.21/2012 A/o C.S.No.82/2011 stands disposed of.

Give copy of this order to all concerned and another copy be place in the Case Record of C.S.No.82/2011.

Sd/-R.VANLALENA

Senior Civil Judge -2

Aizawl District : Aizawl.

Memo No. /SCJ-II(A)/2012 : Dated Aizawl, the 6th February, 2012.

Copy to:

1. The District and Sessions Judge, Aizawl District for information.
2. J.Pazawna S/o Zaluta (L), R/o South Hlimen, High School Veng.
3. Secretary to the Govt. of Mizoram, Revenue Department, Aizawl, Mizoram & ors.through AGAs.
4. Shri Nelson Sailo & Ors., Advocates concerned.
5. Shri K.Kawlkhumu, Advocate concerned.
6. Case record of Civil Suit No.82/2011.
7. Registry section.
8. Case record.

PESHKAR