

Case called out before daily Lok adalath.

Sri. HPP for Sri.YMK for plaintiff is present and files IA No.3 U/o 23 R 1(3) R/w Sec.151 of CPC seeking the court to permit the plaintiff to withdraw the suit with liberty to file fresh suit in the jurisdictional court.

Smt.BNT for Ld.DGP for D1 to 6 is present and submits that IA No.3 may be allowed as this court has no jurisdiction to file this suit.

For orders on IA No.3.

Kept by

Perused the IA and heard the counsels on both the sides.

It is submitted by the counsels that the plaintiff studied 1st to 7th standard in the school of defendant No.7 and 8th to 10th standard in the school of defendant No.8 which are situated at Bengaluru and thus the plaintiff has filed the present suit before this court which has no territorial jurisdiction and that the office of defendant No.1 to 6 and 7 to 8 are situated in Bengaluru district and the plaintiff being born in the jurisdiction of Bengaluru as to file the suit before the jurisdictional court at Bengaluru. Hence prayed to allow the application.

The counsel for the defendants has submitted no objection to IA No.3. As this court has no territorial jurisdiction to

try the present suit, considering the fact that the plaintiff was born in the place which falls in the territorial jurisdiction of Bengaluru and also studied in the school situated within the jurisdiction of Bengaluru it is necessary to permit the plaintiff to withdraw the suit with a liberty to file the fresh suit before the jurisdictional court.

Hence I proceed to pass the following:

ORDER

IA No.3 U/o 23 R 1(3) R/w Sec.151 of CPC filed by the plaintiff is hereby allowed.

Plaintiff is permitted to withdraw the suit and with liberty to file the fresh suit with same cause of action before the jurisdictional court.

In view of the said order the suit of the plaintiff stands dismissed as withdrawn.

Sd/-

Prl. Civil Judge & JMFC.,
Davanagere