**In The Court Of Ld. Sub Judge 1 Shimla**

In the matter of:-

Plaintiff/Applicant

Versus

Defendant/Non-applicant

Application under Order 23 Rule 1 read with Section 151 of CPC to withdraw the plaint with a prayer of liberty to file fresh suit.

Respectfully Sheweth:

1.  That the plaintiff/applicant has filed the above suit in this Ld. court.

2.  That the plaintiff/applicant wants to withdraw the above suit with a prayer to grant liberty to file fresh suit.

3. It is, therefore, most respectfully prayed that this application may kindly be allowed and the plaintiff/applicant may kindly be allowed to withdraw the present suit with liberty to file fresh suit in the interest of justice.  Such other order may also be passed in favour of the plaintiff/applicant as deemed fit and proper in the facts and circumstances of the case.

Shimla                                                                                      Plaintiff/Applicant

\_\_\_\_\_\_                                                                                    Through, Advocate

**IN THE COURT OF LD. SUB JUDGE 1**

In the matter of:-

Plaintiff/Applicant

Versus

Defendant/Non-applicant

Affidavit in support of Application under Order 23 Rule 1 read with Section 151 of CPC

I,\_\_\_\_\_\_, do hereby solemnly affirm and declare as under:-

1. That the accompanying application has been prepared under my instructions.

2. That the contents of paras 1 to 3 of the  accompanying application are correct and true.

3. That I further solemnly affirm and declare that this affidavit of mine is correct and true to the best of my knowledge, no part of it is false and nothing material has been concealed therein.

Affirmed at Shimla this the \_\_\_\_\_\_.

Deponent