



# WITHDRAWAL



FAREEHA IMDAD

# Withdrawal of suit with permission of court

---

## **1. Preliminary Note:**

## **2. Relevant provisions:**

- i. Order XXIII Rule 1

## **3. Cross Reference:**

- i. Order II Rule 2
- ii. And Order IX Rule 9 of the Code of Civil Procedure, 1908
- iii. Chapter 13 Rule 2 of Lahore High court Rules and Orders Volume I.

## **4. Meaning of Withdrawal of Suit:**

## **5. Time for withdrawal:**

PLD 2010 SC 913

## **6. Objects of Rule 1 of Order XXIII:**

- i. 2012 YLR 1794(The object)
- ii. Further in permitting a fresh suit, the rule seeks to prevent technicalities from defeating justice.

## **7. Withdrawal when allowed:**

## **8. Withdrawal against whom permitted:**

## **9. Suit barred by Order XXIII Rule 1:**

2013 SCMR 464

**10. Specific Exclusion of the Rule As Developed through  
Precedents:**

**11. Conditional Withdrawal from suit sub-Rule (2):**

- i. Consequences of withdrawal of suit without permission of court:
- ii. Discretion of court:
- iii. Grounds of withdrawal from a suit:  
PLD 2004 Pesh 198
- iv. Formal Defect:
- v. Other sufficient grounds:
- vi. On such terms as it thinks fit:

**12. Notice:**

**13. Court Fee:**

**14. Appeal:**

**15. Revision:**

**16. Application of Limitation Act, 1908:**

**17. Final analysis:**