

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR No.1109 of 2015
Date of Decision:18.02.2015**

Sudershan Kumar

. . . . Petitioner

Vs.

Veena Verma and others

. . . .Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Namit Khurana, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

Learned counsel for the petitioner has confined his statement with regard to summoning of the original file bearing Civil Suit No.230 of 11.4.1994 tilted as Tajender Parkash Vs. Basant Lal decided by the Court of Sh.R.K. Khangwal, the then Sub-judge, IInd Class, Jagadhri, which has been declined by the learned trial Court on the ground that the said file is not required as all the documents have already been placed on record vide Ex.P1 to Ex.P3, which has not been accepted by the petitioner.

Learned counsel for the petitioner has submitted that the said Exs.P1 to P3 does not include the plaint of the earlier suit which is necessary in this litigation to be perused.

At the same time, learned counsel for the petitioner has drawn the attention of the Court to the orders dated 11.9.2014, 18.9.2014 and 10.10.2014 to show that in the past, the said file

was summoned by the Court below but it was not traced out therefore, on the statement of the concerned Clerk, the case was adjourned and thereafter no order was passed.

In view of the fact that the Court had earlier tried to find out the file of the aforesaid case and did not pass any order thereafter, it is a sufficient ground to seek a review of the impugned order.

Faced with this situation, learned counsel for the petitioner prays for withdrawal of the petition with liberty to file a review at the first instance before the same Court for the summoning of the said file in terms of the order passed earlier.

I order accordingly.

18.02.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**