

In the High Court of Punjab and Haryana at Chandigarh

CR No.1461 of 2015

Date of decision: 02.03.2015

Shyam Sunder Duggal

.....Petitioner

Versus

Tilak Raj Duggal and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.Vishal Sodhi, Advocate
for the petitioner.

--

SABINA, J

Petitioner has filed this petition challenging the order dated 23.12.2014 (Annexure P1) whereby the application moved by the petitioner for restoration/revival of probate petition, was dismissed

I have heard the learned counsel for the petitioner and have gone through the record available on the file carefully.

Petitioner had filed Probate Petition No.37 dated 30.8.1995 on the basis of Will dated 18.3.1994 executed by his step mother-Sudershan Duggal. Issues were framed in the said petition on 18.4.1996. However, on 10.12.1998, counsel for the petitioner had made a statement that he may be permitted to withdraw the petition as civil suit relating to the same subject matter was pending between the parties. Consequently, the Probate Petition was

ordered to be dismissed as withdrawn vide order dated 10.12.1998.

However, the application seeking revival of the Probate Petition was moved on 24.8.2010. In the civil suit pending between the parties a compromise was effected and Award was passed by the Permanent Lok Adalat.

Since the petitioner had consciously withdrawn the petition as civil litigation was pending between the parties, the learned Court below rightly ordered the dismissal of the application for restoration/revival of the petition moved by the petitioner after a long delay. Further, the civil litigation had culminated in a compromise and Award was passed in the Lok Adalat, on the basis of compromise effected between the parties. No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

March 02, 2014
arya