

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

**CR No.159 of 2015 (O&M)  
Date of decision: 20.10.2015**

Inderjit Singh

... Petitioner

Vs.

Ludhiana Improvement Trust, Ludhiana & others ... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Pardeep Bajaj, Advocate  
for the petitioner.

Ms. Kavita Arora, Advocate  
for respondent No.1.

Mr. Hemender Goswami, Advocate  
for respondents No.2 and 3.

**AMIT RAWAL J. (Oral)**

Challenge in the present petition is to the impugned order dated 17.10.2014, (Annexure P-1), whereby, application filed under Section 151 of the Code of Civil Procedure, on behalf of plaintiffs No.2 and 3, for recalling of the order dated 17.07.2013, vide which they had withdrawn their suit against respondents No.2 and 3, has been dismissed.

Ms. Kavita Arora, learned counsel appearing on behalf of respondent No.1 submits that application seeking rejection of the suit is pending adjudication, therefore, the application for recalling of the

order is not maintainable.

Mr. Pradeep Bajaj, learned counsel appearing on behalf of the petitioner submits that originally the suit for mandatory injunction for directing defendant No.1 to allot a plot measuring 400 square yards to the plaintiffs in 475 Acre Scheme, had been filed. During the pendency of suit, an oral agreement had been arrived at between the parties, i.e., plaintiffs No.2 & 3 and defendants No.2 & 3. As a result thereof, suit qua plaintiffs No.2 and 3, vide order dated 17.07.2013 had been withdrawn. During the interregnum, plaintiffs No.2 and 3 realized that defendants No.2 and 3 backed out from the oral agreement and accordingly, the application, Annexure P-2, has been filed and the same has been rejected, vide order dated 17.10.2014, which has been assailed in the present revision petition.

Mr. Hemender Goswami, learned counsel appearing on behalf of respondents No.2 and 3 submits that it is absolutely an act of greed, at the instance of plaintiffs No.2 and 3, in seeking recalling of the order dated 17.07.2013 as it would amount harassment to defendants No.2 and 3. He further submits that relief sought in the suit is qua interest of plaintiffs No.2 and 3 and not of defendants No.2 and 3.

I have heard learned counsel for the parties and appraised the paper book.

In view of the aforementioned facts, I am of the view that on account of oral arrangement, suit qua defendants No.2 and 3 had

been withdrawn on 17.07.2013 and thereafter, the application for recalling has been filed for a particular reason. It is a matter of record that defendants No.2 and 3 already appeared in the suit which is stated to be pending. As regards application filed at the instance of plaintiffs No.2 and 3, who had entered into an oral agreement with defendants No.2 and 3, the contents of application would apply to all the plaintiffs and no prejudice would be caused to them, in case, order dated 17.07.2013, is recalled and they are permitted to pursue the suit. Accordingly, the order dated 17.07.2013 is recalled and the suit vis-a-vis plaintiffs No.2 and 3 is ordered to be restored to its original number.

Accordingly, revision petition is allowed.

**(AMIT RAWAL)**  
**JUDGE**

**October 20, 2015**  
savita