In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 1739 of 2015 (O&M)
Date of Decision: 11.3.2015.

Gian Chand .....Petitioner

Versus

Mohan Lal and others .....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.S.Dinarpur, Advocate
for the petitioner.

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SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 10.2.2015.

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

Impugned order dated 10.2.2015 (Annexure P-5) reads as under:-

"Today the case was fixed for evidence of petitioner. Petitioner, Sohan Lal, made a statement that he does not want to pursue with the present petition at this stage and sought the permission to reserve his right to file the fresh petition. His statement is duly identified by his counsel.

On the other hand, Ld. Counsel for the respondent requested that respondents are being harassed since long time. Hence, petitioner may kindly not be allowed to withdraw the present petition and liberty may not be

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given to file the fresh. Heard. Since present petition is in welfare of the mental ailing person. Hence, both the parties are at liberty to pursue the welfare of the mental ailing person by filing the fresh petition in favour of the mental person.

In view of statement made by petitioner, present petition is hereby dismissed as per law. After due compliance, file be consigned to record room."

Respondent No. 2 has filed petition under Section 50 of the Mental Health Act, 1987 for protecting and managing the person and property of respondent No. 1 who is mentally ill. The Trial Court could not force respondent No. 2 to pursue his case.

Hence, the impugned order calls for no interference.

Dismissed.

(SABINA)
JUDGE

March 11, 2015
Gurpreet

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