

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

Civil Revision No. 2612 of 2015 (O&M)

Date of decision : 25.5.2015

Gurmel Singh

... Petitioner

VS

Desh Raj and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Sukhvir Singh Sahu, Advocate, for the petitioner.

Rajesh Bindal, J.

Challenge in the present petition is to the order dated 6.1.2015 passed by the learned court below whereby the suit filed by the petitioner was dismissed as withdrawn and the other suit filed by Satish Kumar was adjourned for evidence of the plaintiff.

Learned counsel for the petitioner submitted that two suits, one filed by the petitioner and other filed by respondent no. 2 Satish Kumar, pertaining to the same property were pending, which were clubbed by the learned court below vide order dated 4.9.2014. The matter was resolved between the parties in terms of which the petitioner made a statement before the court below on 6.1.2015 to withdraw the suit filed by him and the other suit filed against the petitioner was also to be withdrawn but it was not done and the same has been fixed for evidence of the plaintiff therein. The petitioner has been prejudiced with the aforesaid order. Hence, the order dismissing the suit filed by the petitioner as withdrawn deserves to be set aside and that suit be restored to be tried with the suit filed by respondent no. 2.

After hearing learned counsel for the petitioner, I do not find any reason to interfere with the impugned order. In the absence of any material on record with the petition, this Court is not in a position to opine

as to whether there was any settlement between the parties or not. Voluntary act of the petitioner to withdraw the suit cannot be permitted to be challenged by him and that too, more than two months after the passing of the order. Similar prayer made by the petitioner was rejected by the learned court below vide order dated 26.2.2015. The contention of the petitioner that with the withdrawal of the petition filed by the petitioner, the other suit filed by the respondent will result in automatic dismissal, was not accepted by the learned court below. The order has not been impugned in the present petition.

For the reasons mentioned above, I do not find any reason to interfere in the present petition. The same is, accordingly, dismissed.

25.5.2015
vs

(Rajesh Bindal)
Judge