

251

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

CR No. 2373 of 2014

Date of Decision: December 07, 2015

Brij Bhan

...Petitioner

vs.

Shiv Kumar & others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Akshay Bhan, Advocate with
Mr. Santosh Sharma, Advocate
for the petitioner.

Mr. Mnaoj Kumar Sood, Advocate
for respondent No.2.

Mr. Aditya Jain, Advocate
for respondent No.14.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

The suit for declaration and consequential relief of permanent injunction was filed in the year 2006. On 16.01.2014 when some of the plaintiffs were not present counsel on behalf of plaintiffs Shiv Kumar and Vishnu suffered a statement that they want to withdraw the present suit with liberty to file a fresh suit.

The lower Court vide order of the same date i.e 16.01.2014 without giving the defendants, who are marked present

CR No. 2373 of 2014

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through their counsel, an opportunity to file any objection to such prayer and without hearing them, dismissed the suit of the plaintiffs qua the remaining defendants them and qua the plaintiffs Shiv Kumar and Vishnu dismissed as withdrawn with the liberty to file fresh one on the same cause of action even without recording that there is formal defect in the suit. Impugned order seems to have been hurriedly passed as it was 8 year old case.

It being so, the impugned order is set aside. The lower Court is directed to obtain the reply of the opposite party, hear their objection and pass fresh order on merits in accordance with law, after discussing the grounds on which the suit is allowed to be withdrawn.

Revision petition stands allowed, accordingly.

December 07, 2015
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(KULDIP SINGH)
JUDGE