

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 3078 of 2015

Date of Decision: May 12, 2015

Harjinder Singh

.....Petitioner

Vs.

Harbinder Kaur and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.J.S. Thind, Advocate
for the petitioner.

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M.M.S. BEDI, J.(ORAL)

The plaintiff has filed a suit for declaration challenging the validity of sale deed dated January 16, 2004 executed by defendants No.1 and 2 and for restraining defendants No.4 and 5 from alienating the property in any manner. Vide impugned order, an application filed requiring the defendant- respondents to establish the Will before leading of evidence by plaintiff- petitioner, has been dismissed.

With the assistance of counsel for the petitioner, I have gone through the issues framed. Surprisingly, there is no issue regarding the Will

alleged to have been propounded by the defendant- respondents on the basis of which the sale deed dated January 16, 2004 has been executed.

In view of said circumstances, counsel for the petitioner seeks permission to withdraw the petition with liberty to avail alternative remedy of first seeking the amendment of the issues and later raise the controversy regarding leading of evidence by the defendant- respondents prior to the stage of production of evidence by the plaintiff.

Disposed of as withdrawn.

May 12, 2015
sanjay

(M.M.S.BEDI)
JUDGE