

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

CR No.490 of 2015 (O&M)
Date of decision: 10.7.2015

Bir Singh (deceased) through LR's and another
..... petitioners

Versus

Mohd. Shakil and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Adarsh Jain, Advocate, for the petitioners.
Mr. A.S. Chadha, Advocate, for
Mr. S.K. Biriwal, Advocate, for respondents No.2 and 3.

RAJESH BINDAL, J

Learned counsel for the parties agreed that in view of the subsequent development whereby the petitioners have been permitted to join the proceedings, the prayer made in the present petition has been rendered infructuous, where the challenge is to the order dated 7.1.2015 setting aside the earlier order dated 15.12.2014, whereby the ex parte proceedings against the petitioners were set aside. To put the record straight, it was stated that technically the impugned order is to be set aside.

Learned counsel for the respondents No.2 and 3 further submitted that the evidence led by the parties be considered by the court at the time of final disposal.

Considering the fair stand taken by learned counsel for the parties, the impugned order dated 7.1.2015 is set aside, as the petitioners have already been permitted to join the proceedings.

The petition stands disposed of.

**(RAJESH BINDAL)
JUDGE**

10.7.2015

sharmila