

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No.4874 of 2012(O&M)

Date of decision:04.02.2015

Piara Bai & others

....Petitioners

Versus

Mahinder Pal & others

.....Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr.Ashwani Bakshi, Advocate, for the petitioners.

Mr.Nitin Goyal, Advocate, for

Mr.Sanjiv Gupta, Advocate, for respondent No.1.

G.S.Sandhawalialia J.(Oral)

Challenge in the present revision petition is to the order dated 19.09.2009 (Annexure P3), whereby the suit filed by one Guranditta, father of the present petitioners for declaration was dismissed on the ground that the parties had compromised with each other and the plaintiff did not want to pursue the present suit. The petitioners also filed an appeal against that order on 28.10.2011, alleging that they came to know regarding the withdrawal of the suit on 07.10.2011. The District Judge, Sirsa has, thus, dismissed the appeal, mainly on two accounts; firstly, on the ground of limitation, in view of the period which had expired after the order passed by the Trial Court and the filing of the appeal. Secondly, on the ground that no decree had been passed against the petitioner, the appeal was held not maintainable.

Faced with this situation, counsel for the petitioners prays that the present revision petition may be dismissed as withdrawn, granting liberty to the petitioners to seek their alternative remedy to approach the Court concerned, by filing an appropriate application, for the necessary relief.

Disposed of accordingly. Since the appeal was held not to be maintainable, any observation made by the District Judge, Sirsa, will not be held against the petitioners by the Court, where the petitioners seek their remedy.

04.02.2015

sailesh

SAILESH RANJAN
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I attest to the accuracy and
integrity of this document

(G.S.SANDHAWALIA)

JUDGE