

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 5471 of 2015
Date of decision : December 18, 2015

Balwan Singh

..... Petitioner

Versus

Smt. Meenu Bansal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. R. N. Lohan, Advocate
for the petitioner.

1. Whether reporters of local papers 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?

Amit Rawal, J (oral).

Learned counsel for the petitioner submits that the trial court has erroneously dismissed the application seeking withdrawal of the suit with liberty to file afresh as the suit was for permanent injunction and not for declaration.

He further submits that the suit for simpliciter has been withdrawn and no liberty has been granted.

I am of the view that since the sale deed and transfer deed were required to be challenged, liberty should have been granted to the petitioner-plaintiff to challenge the same, failing which the suit would not have succeeded on merits being simpliciter suit for injunction.

In view of the aforementioned facts, impugned orders are set aside. Liberty is granted to the petitioner to file a suit challenging the aforementioned sale deed and transfer deed in accordance with law.

The civil revision is accordingly allowed. The respondents-defendants are granted liberty to move an application, in case the averments recorded in the order are found to be factually incorrect.

(AMIT RAWAL)
JUDGE

December 18, 2015
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