

203

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

CR No.6535 of 2011(O&M)

Date of decision: March 10, 2015

Inder Kumar Bedi

.....Petitioner

Versus

Devinder Kamal and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Beant Singh, Advocate for
Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Mr. Som Nath Saini, Advocate
for the respondents.

SABINA, J

Petitioner has filed this petition challenging the orders dated 02.12.2008 and 30.07.2011.

Learned counsel for the petitioner has submitted that the petitioner alongwith eight others had filed suit for declaration. Petitioner had not authorised his counsel to withdraw the suit. However, the counsel for the petitioner had withdrawn the suit on 02.12.2004 without any authority in this regard.

Learned counsel for the respondents No.1 to 3, on the other hand has opposed the petition and has submitted that the petitioner had engaged a counsel to appear on his behalf before the trial Court. The counsel for the petitioner had withdrawn the suit as he had the authority to do so in

terms of the attorney executed by the petitioner in his favour.

In the present case, petitioner and others had filed suit for declaration.

On 02.12.2004, following order was passed:

“File taken up today as counsel for plaintiff move an application and give the statement that compromise have been effected between the parties, and do not wants to proceed the case. In view of the statement, the suit of the plaintiff is dismissed as withdrawn. File be consigned.”

Admittedly, counsel who had made the statement on behalf of the plaintiffs had been engaged by the petitioner. Since the counsel for the petitioner had made a statement that the suit filed by the plaintiffs be dismissed as withdrawn, the trial Court had rightly ordered the said suit to be dismissed as withdrawn. Petitioner had failed to demonstrate that his counsel had acted beyond the terms of the Vakalatnama. Hence, the application moved by the petitioner for restoration of the suit was liable to be dismissed.

Dismissed.

**(SABINA)
JUDGE**

March 10, 2015

m.singh