

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

**Civil Revision No.6549 of 2015 (O&M)
Date of order: 5.10.2015**

Smt. Pritam Kaur and others

..... Petitioners

Versus

Harchand Singh (deceased) through L.Rs

..... Respondents

CORAM;- HON'BLE MR. JUSTICE SURINDER GUPTA

Present:- Mr. J.C. Kapoor Advocate,
 for the petitioner (s).

SURINDER GUPTA J. (ORAL)

Heard.

This is a revision petition against the order dated 15.9.2015 passed by Civil Judge (Junior Division), Moga whereby the application of the plaintiff/revision-petitioner seeking permission to withdraw the suit with liberty to file the fresh one on the same cause of action was dismissed.

The application filed by the revision-petitioner (Annexure P10) reads as follow:-

“The applicants submit as under;-

- 1. That the above titled case is pending in this Hon'ble court and is fixed for today.*
- 2. That the applicant wants to withdraw the present suit on technical ground as some property which belongs to Inderjit Singh husband of plaintiff no.1 alongwith some other ancestral property illegally transferred by the defendants on their own favour and the plaintiff came to know this fact only few days*

ago. So, applicant wants to file new suit by including the said property and on some cause of action.

3. It is, therefore, prayed that keeping in view of above said facts present application may kindly be allowed as prayed for, in the interest of justice.”

On the basis of the averments made in the application, learned Civil Judge (Junior Division), Moga has observed that the appellant has failed to make out any formal defect on account of which this suit must fail, so as to allow him permission to withdraw the same with liberty to file the fresh one.

On perusal of the application and order under revision, I find no infirmity therein calling for any interference. The application filed by the petitioners was a vague one, making out no reason to allow him to withdraw the suit, after a long period of about more than 9 years of its institution. The plea raised in application do not refer to any technical defect in the form of suit.

This petition has no merit and the same is hereby dismissed.

October 5, 2015
deepak

(Surinder Gupta)
Judge