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

CR NO.7140 OF 2015

DATE OF DECISION: 21.10.2015

Lakhwinder Singh

.....Petitioner

Vs

Sukhbir Singh and another

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Bikramjit Singh Bajwa, Advocate
for the petitioner.

RITU BAHRI J.(Oral)

This petition has been filed for issuance of direction to the Additional District and Sessions Judge, Gurdaspur to decide appeal bearing No. 8 dated 11.03.2015.

In a suit filed by the plaintiff-respondent for specific performance of agreement to sell dated 29.01.2006, *ex parte* decree was passed against the present petitioner on 28.11.2013. During the course of execution proceedings, the present petitioner filed his objections on 29.04.2014 (*Annexure-P2*). These objections were dismissed by the executing Court vide order dated 02.03.2015 (*Annexure-P3*). Against this order, the petitioner has filed an appeal under order 43 Rule 1 (d) CPC which is still pending before the Additional District Judge, Gurdaspur.

In the execution proceedings before the executing

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had been received back unexecuted and fresh warrant of possession has been issued for 21.10.2015. The petitioner, in the present case, filed an appeal (*Annexure-P4*) against the order dated 02.03.2015 passed by the executing Court.

Since, the petitioner was not aware about the execution proceedings, learned counsel for the appellant seeks to withdraw the present appeal at this stage.

Dismissed as withdrawn.

(RITU BAHRI)
JUDGE

21.10.2015
Suresh Kumar