

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 8106 of 2015 (O/M)
Date of decision : 2.12.2015

Gagandeep Singh

..... Revisionist

Versus

Vikas Mittal

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Harmanjit Singh Sethi, Advocate,
for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

The revisionist, who was defendant before the lower Court, has impugned the order dated 3.10.2015 (Annexure-P-7), passed by the learned Civil Judge (Junior Division), Yamuna Nagar at Jagadhri, vide which the suit for permanent injunction, filed by the plaintiff (respondent herein), was allowed to be withdrawn with permission to file fresh one on the same cause of action.

The objection of the learned counsel for the defendant-revisionist is that in the suit, the application for temporary injunction was decided on 8.9.2015 and the ad-interim injunction was declined.

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The case was pending for 9.10.2015. However, on 3.10.2015, the application for withdrawing the suit with permission to file fresh one on the same cause of action was filed. The file was taken up and without issuing notice to the defendant-revisionist and obtaining his objections, if any, the application was decided at the back of the defendant-revisionist.

I am of the view that when the defendant-revisionist is contesting the suit and putting in appearance and if such permission is sought, the defendant-revisionist has right to object to the same and he should have been heard. The manner, in which the impugned order was passed, is not desirable. Therefore, the impugned order dated 3.10.2015 (Annexure-P-7) is set aside. The lower Court is directed to hear the defendant-revisionist on the application, obtain his reply and pass a speaking order on the same.

The present revision is accordingly allowed.

(KULDIP SINGH)
JUDGE

2.12.2015
sjks