

In the High Court of Punjab and Haryana at Chandigarh.

**C R No. 8349 of 2014
Decided on 06.02.2015**

Naresh Kumar and others

--Petitioners

Vs.

Padam Paul and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Aman Bansal, Advocate, for the petitioners

Mr.P.K.Garg, Advocate, for the respondents

Rakesh Kumar Jain,J: (Oral)

After arguing for some time, learned counsel for the respondents has submitted that he may be allowed to withdraw the suit filed by him in the trial Court and file it afresh in terms of Section 18 of the Religious of Endowments Act, 1863 (for short,'the Act') read with Section 92 of the Code of Civil Procedure, 1908 (for short,'the Act') as in the present suit, 'leave of the Court' was not obtained before filing the same.

Learned counsel for the petitioners has raised no objection in this regard.

In view of the above, the present petition is allowed and the suit filed by the plaintiffs/respondents in the trial Court is allowed to be withdrawn with liberty to file it afresh in view of Order 23 Rule 1 of CPC

because of technical defect in it.

Dismissed as withdrawn.

Liberty is granted to the respondents to file the suit afresh in
accordance with law.

06.02.2015
rr

(Rakesh Kumar Jain)
Judge