

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

Date of decision:11.02.2015.

NC Wadhwan

.....Petitioner

v.

Sh.Jugraj Singh Kang and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Sanjiv Gupta,Advocate for the petitioner.

Jaswant Singh,J.(Oral)

Plaintiff has filed the instant revision aggrieved by the order dated 3.12.2014 (P-7) passed by Civil Judge (Junior Division) Chandigarh whereby his application under Order 5 Rule 25,26 and 26-A CPC for effecting service upon, defendant no.5 has been dismissed.

It is apparent that the plaintiff on the basis of being alleged occupier filed a suit challenging the sale deed dated 11.4.2001 executed through defendants 2 and 3 in favour of defendant no.1. Property is alleged to have been owned by defendant no.5. It appears that the petitioner/plaintiff does not really have the locus to challenge the sale deed. Be that as it may in the present revision, challenge is to the order whereby inter alia previous order permitting the service of defendant no.5 through publication was declined to be recalled. There appears to be a history of applications moved by the plaintiff for effecting service upon defendant no.5 who is stated to be residing abroad.

At the time of hearing learned counsel for the petitioner/
plaintiff prays for permission to withdraw the present revision petition
with liberty to file a fresh one by placing on record all the applications
alongwith the orders passed thereon for effecting service upon
defendant no.5.

Dismissed as withdrawn with liberty aforesaid.

11.02.2015
joshi

(Jaswant Singh)
Judge