

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

CWP-12950-2011

Date of decision : 24.08.2015

Jagmohan Singh

..... Petitioner

Vs

The Ajnala Cooperative Sugar Mills Ltd., Ajnala & Anr.

.....Respondents

Coram : Hon'ble Mr. Justice Rajiv Narain Raina

Present : Mr. Kamal Jeet Singh Sidhu, Advocate
for the petitioner.

Mr. Rahul Sharma, Advocate
for respondent No.1.

Rajiv Narain Raina, J. (oral)

There is a serious technical defect in the petition inasmuch as though the award has been attached as Annexure P-5 but there are no grounds of challenge as to why it deserves to be set aside.

The purpose of presenting a writ petition is to indicate grounds of challenge so that the opposite party answers those grounds of challenge otherwise they will be taken by surprise at the hearing. The Court process depends upon both parties not springing a surprise on each other and that is why the writ rules require grounds of challenge to be pleaded and the law points involved in the petition be indicated to invoke the extra ordinary writ jurisdiction of this Court. Neither any attempt was made to introduce grounds of challenge for Mr. Rahul Sharma, advocate appearing for the respondent Management to respond to or

oppose. In these circumstances, the learned counsel for the petitioner prays that he may be allowed to withdraw the petition with liberty to present a fresh one against the same award after disclosing grounds of challenge.

Since the defect is technical in nature, the petitioner is given liberty to file a fresh petition which will be read in continuation of the previous one so as not to adversely impact issues of delay or laches in relation to the cause of action and right to sue.

Dismissed with the aforesaid liberty.

(RAJIV NARAIN RAINA)
JUDGE

24.08.2015

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