

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

C.R. No.2334 of 2015 (O&M)

Date of Decision.01.06.2016

Samai Singh

.....Petitioner

Vs.

Bhool Chand and others

.....Respondents

Present: Mr. Shashi Kumar Yadav, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

C.M. No.11753-CII of 2016

For the reasons stated in the application, order passed by this Court on 26.05.2016 is recalled and the appeal is restored to its original number.

Application is allowed.

C.R. No.2334 of 2015

1. In a case where the plaintiff had omitted to state that the mother was alive and the fact was brought out by means of written statement pointing out to the alleged deliberate suppression of fact, the plaintiff sought for permission to withdraw the suit with liberty to file a fresh suit. The details of the technical flaw were not set out in the plaint but it is evident that the withdrawal was made because an important fact of the mother being alive had not been adverted to and the suit had been filed as though the mother was dead. When the fact of the mother being alive had a

sure bearing on the rights of parties in relation to the property, the plaintiff has withdrawn the suit and the Court has also granted permission to file a fresh suit, I will find no prejudice by the permission being granted to the plaintiff, for, after all, a statement of fact which is so essential if it was not stated, there ought to be an opportunity to bring that fact to light and the fresh suit instituted. There is no issue of limitation concerning a right which is asserted by the new suit which is instituted and therefore, I will make no intervention with the order already passed.

2. The order is sustained and the revision petition is dismissed.

(K. KANNAN)
JUDGE

June 01, 2016
Pankaj*