

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

CR No. 3057 of 2014 (O&M)

Date of decision: 02.03.2016

Khaniaya Lal @ Ghaniaya Lal

... Petitioner

versus

Makkhan Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. P.S. Dhaliwal, Advocate, for the applicant-petitioner.

Mr. Tushar Sharma, Advocate, for respondent Nos. 1 to 3.

K.Kannan, J. (ORAL)

CM No. 2171-CII-2016

CM is allowed.

CR No. 3057 of 2014

The point raised in this case is covered through the decision in Jet Ply Wood Private Limited and another vs. Madhukar Nowlakhia and others, 2006(2) RCR (Civil) 593. It was a case of plaintiff withdrawing the suit believing the assurance of settlement by the defendant. The plaintiff filed an application for restoration of the suit pleading that the defendant had misled him to withdraw and he was not acting as per the proposals on the settlement. The Court held that such a power exists to allow the application.

The same situation arises in this case of the plaintiff suing

for specific performance for 14 kanals 5 marlas making reference to payment of Rs. 16,00,000/- as advance and for execution of sale at the rate specified between the parties. It was a case of the plaintiff that the defendants had already sold the remaining portions of property of the whole extent of 54 kanals through 3 sale deeds and this was only the property which was left out. Applying the judgment in Jet Ply Wood Private Limited and another vs. Madhukar Nowlakha and others, 2006(2) RCR (Civil) 59 `3, I allow the civil revision and set aside the order already passed. The order of withdrawal permitted already is recalled and the suit is restored to file for disposal in accordance with law.

The civil revision petition is allowed with above observations.

(K.KANNAN)
JUDGE

02.03.2016

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