

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 16112 of 2014 (O&M)
Date of decision: 4.2.2016

Laik Ram

.. Petitioner

v.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Nand Lal Sammi, Advocate for the petitioner.
Mr. Nilesh Bhardwaj, Deputy Advocate General, Punjab.
Mr. Gursimranjit Singh, Advocate for
Mr. Amit Aggarwal, Advocate for respondents No. 2 to 4.

...

Rajesh Bindal J.

This order will dispose of two petitions bearing CWP Nos. 16112 and 16113 of 2014, as common questions of law and facts are involved.

However, the facts have been extracted from CWP No. 16112 of 2014.

Challenge has been made to the order dated 9.7.2013, passed by Sub Divisional Magistrate, SAS Nagar, Mohali, whereby the application filed by the petitioner for restoration of the appeal, was dismissed.

As the impugned order contained a fact that the petitioner had filed application seeking withdrawal of the appeal, on 28.1.2016, the following order was passed:

“The impugned order specifically mentioned that the petitioner had filed application seeking withdrawal of the appeal. Learned counsel for the petitioner disputes the same

and seeks time to have instructions.

Adjourned to 4.2.2016.

It is made clear that in case it is found that the petitioner had filed an application seeking withdrawal of the appeal before the Sub Divisional Magistrate-cum-Assistant Collector Ist Class, Sahibjada Ajit Singh Nagar, the present petition would be dismissed with heavy cost.

Learned counsel to get the record of the case from the Sub Divisional Magistrate concerned.”

Today record has been produced by learned counsel for the State. From the record, it is evident that the petitioner filed application through his counsel seeking withdrawal of the appeal.

Once it is established from the record that application seeking withdrawal of the appeal was filed by the petitioner before the appellate authority, no case for interference is made out in the present petitions. The same are dismissed with cost of ₹ 10,000/- to be deposited with Punjab State Legal Services Authority.

(Rajesh Bindal)
Judge

4.2.2016
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