

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

**CR No. 123 of 2017
DECIDED ON: JANUARY 13, 2017**

ANUP KAUR & OTHERS

.....PETITIONERS

VERSUS

HARJINDER SINGH & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Premjit Kalia, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant revision petition preferred under Article 227 of the Constitution of India, petitioners have sought setting aside the order dated August 04, 2016 passed by learned Additional District Judge, Amritsar whereby, an application under Order XLI, Rule 21 read with Section 151 of the Code of Civil Procedure, 1908 (for brevity 'Code') moved by respondent No.1 for setting aside the judgment and decree dated February 06, 2014 passed by learned trial Court has been allowed.

At the very outset of arguments, it has emerged that instant revision petition is not maintainable, in view of Order XLIII, Rule 1(t) of the Code, which provides an appeal against the order of refusal under rule 19 of Order

XLI to re-admit, or under rule 21 of Order XLI to re-hear, an appeal. However, the afore-said orders does not provide for an appeal where an application under rule 19 of Order XLI has been allowed. Thus, the instant revision petition is not legally maintainable. As such, it stands dismissed.

JANUARY 13, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No