

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 103

Civil Miscellaneous No.6134-CII of 2016 In/And

Civil Revision No.1850 of 2016 of (O & M)

Date of Decision: *March 16, 2017*

Sohan Lal

..... PETITIONER

VERSUS

Gian Chand

..... RESPONDENT

...

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

...

PRESENT: - Mr. Ishwar Lal, Advocate, for the applicant – petitioner.

Mr. S.S. Dinarpur, Advocate, for the respondent.

. . .

Jaspal Singh, J

CM No.23798-CII of 2016

Application is allowed.

Reply is taken on record.

CR No.1850 of 2016 (O & M)

1. By virtue of instant revision petition preferred under Article 227 of the Constitution of India, petitioner has sought setting aside of order dated December 24, 2015 passed by the Civil Judge (Senior Division), Kurukshetra, whereby an application for dismissal of petition filed by Gian Singh (respondent herein) captioned as ‘Gian Chand vs. Sohan Lal’ under Section 50 of the Mental Health Act, 1987 (for short, ‘Act’) was dismissed.

2. During the pendency of instant petition, petitioner has moved an application viz. CM No.6134-CII of 2016 dated March 17, 2016 under Section 151 CPC for withdrawing the main petition with permission to take all the pleas before the court(s) below. Though, this application has been hotly resisted by the respondent and a detailed reply has been filed but this Court does not find any merit or legal substance in the various pleas taken in the reply for the simple reason that petitioner – Sohan Lal is the master of his revision petition and he cannot be compelled or coerced to continue with the same against his wishes. There is no harm in allowing him to take all the pleas taken in the revision petition at the appropriate stage before the trial court which is/would be seisen of the matter i.e. petition under Section 50 of the Act. Accordingly, the instant application is allowed and revisionist - petitioner is permitted to withdraw the revision with permission to take all the pleas taken in this petition before the courts below at the appropriate stage in the appropriate proceedings.

3. Application as well as the main petition are disposed of accordingly.

March 16, 2017
avin

(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No