

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

CR No.4494 of 2017

Date of Decision: 13.07.2017

Saravjeet Kaur	Petitioner
Versus	
Mandeep Singh Bharaj and others	... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Vikram Singh, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(ORAL)

[1]. Petitioner has filed the present revision petition against the order dated 25.05.2017 passed by Additional Civil Judge (Senior Division), Karnal, vide which application for restoration of the suit was allowed.

[2]. The brief facts of the case are that the plaintiff being NRI appointed one Vikram Singh as Special Power of Attorney to file and prosecute the suit on his behalf. The said Special Power of Attorney engaged one Gurvinder Pal Singh, Advocate to represent the cause of the plaintiff. Plaintiff asserted that the suit was fixed for 08.04.2015 for his evidence and he was required to appear in the Court. He came to India on 07.04.2015 to appear as a witness, but ultimately found to be surprised that the suit had already been withdrawn on 30.03.2015.

[3]. In the application for restoration of the suit, the plaintiff asserted that the Special Power of attorney was never authorized to withdraw the suit, nor any NOC (No Objection

Certificate) was obtained by the subsequent counsel from Mr. Gurvinder Pal Singh, Advocate for withdrawal of the suit. The power to withdraw the suit was not specifically given to Special Power of Attorney and in this way, the statement of Special Power of Attorney for withdrawal of the case in the trial Court was without any authorization and he had exceeded his power in terms of Special Power of Attorney.

[4]. In view of law laid down in **Jet Ply Wood Pvt. Ltd. and another Vs. Madhukar Nowlakha and others, 2006(2) RCR (Civil) 593**, the inherent power of the Court can be exercised in order to prevent *bona fide* litigation not to suffer on account of illegality of the present type.

[5]. In view of aforesaid, this Court is not inclined to interfere in the impugned order whereby suit has been restored to its original status. At this stage, Mr. Vikram Singh, learned counsel for the petitioner wishes to withdraw this petition.

[6]. In view of above, the present petition stands dismissed as withdrawn.

13.07.2017
prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No