

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

CR No. 7494 of 2017

Date of Decision: 01.11.2017

BHOLA SINGH AND ANR

-PETITIONERS

VS

PARAMJIT SINGH AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.V.S. Chugh, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Petitioners have assailed the order dated 17.08.2017 passed by Civil Judge (Junior Division), Budhlada, District Mansa vide which application dated 17.08.2017 for withdrawal of the suit with liberty to file fresh was allowed on the same day.

[2]. Plaintiffs filed a suit for recovery of compensation in which the application was filed for withdrawal of the suit with liberty to file fresh on the same cause of action on 17.08.2017. The trial Court has passed the order on the same day without issuing any notice to the defendants-petitioners and allowed the same on 17.08.2017 itself.

[3]. Perusal of the impugned order shows that presence of Mr. Mukesh Kumar, Advocate, was marked as learned counsel for defendants No.1 and 2 and as per para no.2 of the

order, it has been recorded that the parties were heard.

[4]. In view of nature of order which this Court proposes to pass, there is no necessity of issuing any notice to the respondents as the same would result in unnecessary wastage of time and expenses to be incurred by the respondents.

[5]. The impugned order appears to be totally non-speaking. The petitioners were never afforded any opportunity of hearing and filing reply to the application. The impugned order appears to have been passed without following principles of natural justice.

[6]. The impugned order is set aside. The trial Court is directed to re-consider the application for withdrawal of the suit with liberty to file fresh suit on the same cause of action afresh and decide the same in accordance with law after affording reasonable opportunity to the petitioners.

[7]. Disposed of.

01.11.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No