

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.8426 of 2017

Date of decision: 04.12.2017

Raj Kumar

....Petitioner

V/S

Raj Bhawan and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE B.S. WALIA

Present : Ms. Rose Gupta, Advocate for the petitioner.

B.S WALIA, J. (Oral)

1. Learned counsel for the petitioner states that since no formal application was made for withdrawing the civil suit and only a statement was made, the learned Lower Appellate Court ought to have rejected the statement and decided the appeal on merits.
2. Despite query, learned counsel for the petitioner has not been able to show the circumstances so as to bring the case of the plaintiff-petitioner within the ambit of Order 23 Rule 1(3) of the CPC.
3. At this stage, learned counsel prays for permission to withdraw the revision petition with liberty to move an appropriate application before the learned Lower Appellate Court setting out the circumstance so as to bring the case within the ambit of Order 23 Rule 1(3) of the CPC.

4. Needless to mention that it would always be open to the petitioner to take recourse to the remedy as may be available to him in accordance with law.

5. Revision petition stands dismissed in the light of the aforementioned observations.

December 04, 2017
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned

: Yes/No.

Whether reportable

: Yes/No.