

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

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**Letters Patent Appeal No.441 of 2017
Date of Decision: March 27, 2017**

Mubarak Singh and others

....Appellants

versus

State of Haryana and others

....Respondents

***CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN***

Present: Mr. R.S. Sihota, Sr. Advocate with
Mr. B.R. Rana, Advocate for the appellants.

Mr. Ashish Aggarwal, Sr. Advocate with
Mr. Kartik Gupta, Advocate
for the caveator/respondent No.6.

AJAY KUMAR MITTAL, J. (Oral)

The present appeal has been filed under Clause X of the Letters Patent for setting aside the judgment passed by learned Single Judge in **Civil Writ Petition No.25774 of 2016 (O&M)** on March 06, 2017 whereby the order dated 08.11.2016 (**Annexure P-3**) passed by respondent No.2 directing respondent No.5 to provide police assistance to respondent No.6 was under challenge.

2. Learned Senior counsel for the appellants submitted that the learned Single Judge while dismissing the aforesaid writ petition, had recorded certain findings and made observations which would affect the fate of the appellants in the civil suit which is still pending before the trial Court. After arguing for sometime, when the Bench was not agreeing with the contentions raised by learned Senior counsel for

the appellants, it was prayed that he may be allowed to withdraw the present appeal with the clarification that the findings and the observations made by the learned Single Judge would not come in the way of the decision of learned trial Court while adjudicating the civil suit. It was further prayed that the trial Court may be directed to decide the civil suit on the basis of evidence placed before it in accordance with law.

3. Learned Senior counsel for the caveator/respondent No.6 did not raise any objection and submitted that the concerned Deputy Commissioner may be directed to proceed in respect of the order which has been impugned herein in accordance with law.

4. Dismissed as withdrawn.

5. Needless to say that anything observed in the impugned order dated 06.03.2017 by the learned Single Judge as well as in this order hereinbefore shall not be taken to be an expression of opinion on the merits of the controversy while deciding the civil suit. However, it is observed that the authorities shall proceed in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

March 27, 2017
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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No