

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

**RSA No. 3375 of 2015 (O&M)
Date of decision: 11.9.2017**

Jaswinder Singh

..... Appellant

Vs.

Ravinder Kaur

.....Respondent

2

RSA No. 4268 of 2015 (O&M)

Jaswinder Singh

..... Appellant

Vs.

Ravinder Kaur and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. A.S. Virk, Advocate
for the appellant.

RAMESHWAR SINGH MALIK J. (ORAL)

Learned counsel for the appellant-plaintiff seeks permission of the Court to withdraw both these appeals as well as suit filed by the plaintiff-appellant in view of peculiar facts and circumstances of the case. He further submits that withdrawal of the suit has become compulsive necessity of the plaintiff for the reason that although dismissal of his suit under Order IX Rule 2 of the Code of Civil Procedure against defendants No. 2 to 4 and 43 would not bar fresh suit, yet it would not be maintainable as such in the absence of respondent No.1-Smt. Ravinder Kaur. He also submits that since defendants would be granted due opportunity by the learned trial court to put up their case, no prejudice will be caused to them, including respondent No.1.

Having heard the learned counsel for the appellant at some length and after careful perusal of record of the case, with particular reference to the abovesaid peculiar fact situation obtaining on record of both these cases, prayer made by learned counsel for the appellant for withdrawal of suit by the plaintiff has been found to be factually correct and legally justified and the same deserves acceptance.

In view of the above, both these appeals are permitted to be withdrawn and appellant-Jaswinder Singh is also permitted to withdraw his suit for declaration with liberty to file fresh suit on the same cause of action and impleading all the necessary parties.

11.9.2017
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No