

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

111

CR-168-2018 (O&M)

Date of Decision:21.03.2018

Parmod Kumar

.....Petitioner

Versus

Krishan Chand Jain and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Deepak Sabherwal, Advocate,
for the petitioner.**

**Mr. Gaurav Aggarwal, Advocate,
for respondent No.1.**

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present revision petition under Article 227 of the Constitution of India impugning the order dated 17.11.2017 (Annexure P-5) passed by learned Civil Judge (Sr. Divn.), Mewat.

Power of attorney filed on behalf of respondent No.1 is taken on record.

In the suit filed by respondent No.1-plaintiff Krishan Chand Jain wherein petitioner-Parmod Kumar was arrayed as defendant No.3, petitioner-defendant No.3 was proceeded against ex parte on 14.03.2013 on the ground that defendant No.3 was summoned through newspaper Dainik Charhdikala (wrongly typed as Chanderkala in the order dated 17.11.2017). Through the impugned order, application filed by petitioner-defendant No.3 to set aside the ex parte proceedings was dismissed by learned Civil Judge

(Sr. Divn.), Mewat, vide order dated 17.11.2017 (Annexure P-5).

At this stage, learned counsel appearing on behalf of respondent No.1 states that respondent No.1-plaintiff has withdrawn the suit qua petitioner-defendant No.3 and in this manner, there is no more challenge to the sale-deed dated 20.06.1989, mutation dated 22.12.1993 and sale-deed dated 19.10.1989 for which mutation was sanctioned on 22.02.1993. Counsel has sought telephonic instructions from his client i.e. plaintiff to the effect that plaintiff has no claim against the petitioner-defendant No.3.

Having heard learned counsel for the parties and noticing the statement made by learned counsel for respondent No.1-plaintiff that he has got telephonic instructions from his client, the plaintiff has no claim against petitioner-defendant No.3 and therefore, the present revision petition has been rendered infructuous and the same may be disposed of as such.

In view of the categorical statement made by learned counsel for respondent No.1, nothing survives in the present revision petition and the same is dismissed, as having been rendered infructuous.

March 21, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No