

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 2808-2017 (O&M)
Date of decision: 19.03.2018

Sandeep

.....Petitioner

versus

Dhanpati and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: None for the petitioner
Mr.Surender Pal, Advocate for respondent nos.1 and 2

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

None has come present on behalf of the petitioner. Case of the petitioner has been considered.

Impugned in the present revision petition is order dated 28.3.2017 (Annexure P5), passed by learned Civil Judge (Junior Division), Jind, vide which, an application filed for permission to withdraw the suit with liberty to file a fresh on the same cause of action was dismissed.

Heard.

Perusal of the order of the trial Court shows that permission was sought on the ground that there was formal defect and necessary parties have not been impleaded. Opposite party resisted to the withdrawal of the suit that this is third round of litigation.

Trial Court after considering the case law on the point that if inspite of defect being noticed or detected or pointed out, plaintiff fails to

take any step to cure the same or the steps taken by him do not bring about compliance with the provisions of law, the defect would certainly constitute a ground for denial of relief, came to the opinion that non-joining of necessary parties at the time of institution of plaint is not formal defect and so as to make out a ground to withdraw the plaint with permission to file a fresh one on the same cause of action. No ground is made out to interfere in the impugned order.

Resultantly, the present revision petition stands dismissed.

Since the main case has been dismissed, therefore, the pending CM, if any, also stands disposed of.

19.03.2018

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No