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

CR No.368 of 2016

Date of Decision: 11.07.2018

Vijay Kumar and another

....Petitioners

Vs

Dr. Deepak Bansal

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ankush Singla, Advocate,
for the petitioners.

Mr. G.S. Bhatia, Advocate,
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

1. This revision petition has been preferred by the petitioners against the order dated 24.11.2015 passed by Additional District Judge, Sangrur vide which miscellaneous appeal was accepted and order of *status quo* was passed thereby reversing the order dated 15.09.2015 passed by the trial Court, dismissing the application under Order 39 Rules 1 and 2 CPC.

2. Learned counsel for the plaintiff-respondent very candidly submitted that application for withdrawal of the suit itself was filed by the plaintiff on 15.05.2017 before the trial Court but the same has not been decided by the trial Court so

far on the ground that present revision petition is pending in this Court wherein operation of order passed by the First Appellate Court has been stayed.

3. Learned counsel further submitted that order dated 20.01.2016 staying the operation of order of First Appellate Court be clarified so as to allow the trial Court to pass appropriate order on the application filed by plaintiff for withdrawal of the suit.

4. A photocopy of application for withdrawal of suit has been placed on record.

5. Having considered the prayer, I am of the view that order dated 20.01.2016 staying the operation of the order of the First Appellate Court would not come in the way of passing an appropriate order by the trial Court on the application for withdrawal of the suit.

6. In view of above, this revision petition is disposed of with a liberty to the petitioners to get it revived in case statement of fact made by learned counsel for the respondent is found to be not correct or the suit is not allowed to be withdrawn.

11.07.2018

Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No