

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

RSA No.1200 of 2013 (O&M)
Date of decision: 23rd April, 2018

Gurmit Singh and others

... Appellants

Versus

Rajesh Kumar Atwal

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Appellant Gurmit Singh along with his counsel
Mr. Jagjit Singh, Advocate.

Mr. Rakesh Kumar, Advocate
for the respondent.

FATEH DEEP SINGH, J. (ORAL)

Appellant No.1 Gurmit Singh who is present in person for himself as well as for his son appellant No.2 Arvinder Singh, along with his counsel Mr. Jagjit Singh, Advocate have made statement that due to inadvertent technical error on account of bona fide mistake they could not array Punjab Wakf Board, the owner of the property in dispute, as a party and have made statement that they wish to withdraw the present appeal as well as permission to withdraw the suit filed by them before the Court below, however reserving their rights to file a fresh one on the same cause of action. The same is not opposed by learned counsel for the respondent Mr. Rakesh Kumar, Advocate.

Keeping in view this stand of the respondent side and that being a pure bona fide error, due to inadvertence and the fact that the

same is not going to change the very nature of the suit nor would cause in any manner prejudice to the opposite side, the prayer made is allowed. However, keeping in view the time which the defendant (now respondent) has to spend in pursuing the litigation, he needs to be adequately compensated and thus, the instant appeal is dismissed as withdrawn and so consequentially the suit, subject to deposit of special costs to the tune of Rs.10,000/- which shall be given to the opposite party and shall be a pre-condition for the appellants before filing the suit afresh.

(FATEH DEEP SINGH)
JUDGE

April 23, 2018

rps

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