

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

111

CR No.53 of 2019 (O&M)
Date of decision: 09.01.2019

Jagdish Parshad

..... Petitioner

Versus

Jiwan Modi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Gagandeep Singh Virk, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The respondent in the proceedings under Order 39 Rule 2-A of the Code of Civil Procedure had filed an application for dismissal of the main petition on the ground that the suit itself has been withdrawn. Learned Court dismissed the application on the ground that the substantive trial is already over as the complainant has concluded his evidence and the respondents are about to conclude their evidence.

Learned counsel for the petitioner submitted that the violation of interim order alleged, is not binding on him because he was not party to the suit.

Learned counsel for the petitioner was requested to point out from the order impugned where this point was raised before the Court below. He admitted that this point has not been pressed. However, he submits that the interim order passed by the Court merged with the withdrawal of the suit and therefore, the order has ceased to exist.

This Court has considered the submission, however, find no

substance therein. The proceedings under Order 39 Rule 2-A are at the fag end. The petitioner would be at liberty to point out to the Court which would consider the submission without being influenced by the impugned order passed, affirmed in this revision petition.

Revision petition is dismissed.

09.01.2019
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No