

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

Sr. No.236

CR-3687-2017

Date of decision: 22.05.2019

Naresh Kumar and another

....Petitioners

versus

Major Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Manish Saini, Advocate for
Ms. Deepshikha Chauhan, Advocate
for the petitioners.

Mr. Arun Takhi, Advocate
for the respondent.

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DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order 06.04.2017 passed by the Civil Judge (Senior Division), Balachaur (for short – the Trial Court) permitting the respondent to withdraw his suit with permission to file a fresh one on the same cause of action on the ground that his suit contained a formal defect.

Learned counsel for the respondent informs the Court that during the pendency of the present petition, in terms of the liberty granted through the impugned order, the respondent has filed a fresh suit in which, after notice, the petitioners/defendants have appeared and filed their written statement to which the respondent/plaintiff has filed his replication. He further submits that the respondent's suit is now listed before the Trial Court for consideration of the application filed by him for interim stay. According to him, in view of the aforesaid facts, the present petition has been rendered infructuous.

Learned counsel for the petitioners does not dispute the above facts and states that in view of the aforesaid facts he has no objection if the present petition is disposed of as infructuous.

Ordered accordingly.

(DEEPAK SIBAL)
JUDGE

May 22, 2019
Jyoti 1

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