

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

**CR No.434 of 2019
Date of Decision : 21.01.2019**

Ishwar Singh

.....Petitioner

Versus

Rajbir Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Parminder Singh, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

This revision is directed against the impugned order dated 6th July, 2018 (Annexure P-3) passed by the Ld. Civil Judge (Junior Division), Karnal.

2. Vide the impugned order the original Suit No.166 of 2015 filed on behalf of the petitioner-plaintiff was dismissed as withdrawn by the Ld. Court below in view of the statement made by his counsel that he did not wish to proceed with the suit due to some technical error. Neither any formal application for that purpose was filed by the petitioner-plaintiff, nor it was explained by his counsel as to what was the technical defect due to which he wanted to withdraw the present suit.

3. The Ld. Court below therefore dismissed the suit as

withdrawn after declining permission to file a new suit (on the same cause of action).

4. This Court finds no illegality or impropriety in the impugned order since it was incumbent upon the plaintiff to satisfy the Ld. Trial Court that the technical defect for which the suit was sought to be withdrawn was of such nature that it could not be cured had the matter been allowed to remain continued. But nothing whatsoever has been explained about the nature of such technical defect, on account of which the Ld. Court below has rightly dismissed the suit as withdrawn without granting permission to file a fresh one.

5. No merits.

6. Dismissed.

January 21, 2019

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No