

CR-6258-2017 (O&M)

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

CR-6258-2017 (O&M)

Date of decision : 06.02.2019

Subhash

... Petitioner

Versus

Suresh Kumar and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Mehak Sawhney, Advocate for
Mr. Naveen S. Bhardwaj, Advocate
for the petitioner.

Mr. Jatin Hans, Advocate
for respondent No.1.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the impugned order dated 14.08.2017, whereby the application filed by the petitioner-applicant for revocation of *ex parte* permission granted to the plaintiffs/respondents under Section 91 of the Code of Civil Procedure, has been dismissed.

When the application, aforementioned, was filed, one of the plaintiff sought the withdrawal of the suit and only plaintiff No.1 was permitted to continue in the suit, in such circumstances, I am of the view that even if, it is considered that the trial Court had power to recall, it would be farcical exercise in remitting the matter.

The order of withdrawal of the suit qua plaintiff No.2 and permitting the plaintiff No.1 to continue is dated 06.10.2015, which has not

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been controverted by the counsel for the petitioner, cannot be said to be suffering from infirmity.

In such circumstances, the grievance of the petitioner no longer subsists.

With the aforesaid observations, the impugned order is upheld and the revision petition is disposed of.

06.02.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**