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

**Civil Revision No.7083 of 2018
Date of Decision: 24.01.2019**

BALWINDER SINGH

.....Petitioner

Vs

**PUNJAB STATE THROUGH COLLECTOR AMRITSAR AND
ORS**

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Ms. Anupal, D.A.G., Punjab
for respondents No.1 to 3.

Mr. Kunal Vinayak, Advocate
for respondent No.4.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred against the order dated 18.08.2018 passed by Civil Judge (Jr. Divn.) Amritsar vide which application under Section 151 CPC filed by respondent No.4 was allowed and order dated 19.05.2017 was recalled.

[2]. It appears from the record that notice of motion was issued on 06.12.2018 and the trial Court was directed not to pass final order till the next date of hearing. Thereafter CM No.27801-CII of 2018 was filed by respondent No.4 with the averments that order dated 19.05.2017 was recalled vide the

impugned order dated 18.08.2018 and the same was challenged in the revision petition on 25.10.2018. The statement of Sh. Lalit Joshi counsel for defendant No.4 Sher Kumar was recorded by the Civil Judge (Jr. Divn.) Amritsar, wherein it was recorded that without prejudice to the right of the defendant to challenge the documents qua the mode of proof, admissibility and legality, defendant No.4 has no objection if documents referred in the affidavit of the plaintiff as Ex.P-2 to Ex.P-17 be considered as part of evidence of the plaintiff.

[3]. The aforesaid submission came to be recorded on 25.10.2018 i.e. even prior to the order dated 06.12.2018 passed by this Court at the time of issuance of notice of motion.

[4]. From the aforesaid statement, it appears that grievance of the petitioner had already been redressed, but the petitioner was not alive to the situation on 06.12.2018 and proceeded to argue the case on merits.

[5]. In view of statement made by counsel of defendant No.4 Sher Kumar, nothing survives in this revision petition and the same is disposed of. Trial Court shall pass consequential order in accordance with law.

January 24, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No