

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

**IOIN-RSA-392 of 2000 in
RSA No.392 of 2000 and
CM-5561-C of 2013 in
RSA No. 392 of 2000 (O&M)
Date of Decision:20.11.2019**

Mandir Assa Purni, Barooni Safabadi Gate, Patiala through Its Mohtmim
Ravinder Nath son of Moti Ram resident of Patiala

.....Appellant

Versus

Jagar Kaur etc.

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Sarika Gupta, Advocate
for the applicant-appellant.

Ms. Rupinder Kaur Thind, Advocate
for non-applicants-respondents no.2 to 4.

LISA GILL, J(Oral).

This appeal has been filed by the appellant-plaintiff challenging judgement and decree dated 12.03.1997 passed by the learned Civil Judge (Sr. Division), Fatehgarh Sahib, whereby the suit filed by the appellant-plaintiff has been dismissed. Appeal filed by the appellant was also dismissed by the learned Additional District Judge, Fatehgarh Sahib, vide impugned judgement and decree dated 09.09.1999.

Learned counsel for the applicant-appellant submits that the second connected appeal arising out of the same impugned judgements and decrees i.e., R.S.A No. 396 of 2000, was withdrawn by the applicant-appellant in view of the settlement arrived at between the parties on 13.09.2013. An application for withdrawal of the present appeal i.e., CM-5561-C of 2013 along with the affidavit of the appellant, was also filed, in which notice was issued to the respondents and the application was directed to be listed along with the main appeal, which was admitted on 03.10.2000.

It is due to an inadvertent mistake that pendency of the present appeal could

not be brought to the notice of the Court on 13.09.2013, at the time of withdrawal of RSA No. 396 of 2000.

Learned counsel for non-applicants-respondents no.2 to 4 verifies and affirms the averments as above.

Learned counsel for the parties pray that this appeal be taken up for actual hearing today itself and the applicant-appellant be permitted to withdraw the appeal.

It is to be noted that this appeal has been put up by the Registry before this Court, as legal representatives of respondents no.1 and 5, who are reported to have died, were not impleaded, neither the correct address of respondent no.6, who is unserved, was provided by learned counsel for the applicant-appellant. However, keeping in view the facts and circumstances of the case and the specific stand of the appellant, who seeks to withdraw this appeal unconditionally, I do not find it necessary to direct impleading of the legal representatives of respondents no.1 and 5, at this stage or insist upon service upon respondent no.6.

At request of learned counsel for the applicant-appellant and respondents no.2 to 4, the appeal is taken up on board for hearing, today itself.

In view of the specific stand of the appellant, duly supported by his affidavit dated 06.05.2013, CM-5561-C of 2013, is allowed and the appeal is dismissed as withdrawn. No orders need to be passed in any other pending application in view of the disposal of the appeal.

20.11.2019
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.