

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

CR-8209-2019

Date of decision: 19.12.2019

Lal Chand and others

.....Petitioners

versus

Jaswant and others

.....Respondents

CORAM: Hon'ble Mr. Justice Deepak Sibal

Present: Mr.J.P.Sharma, Advocate for the petitioners

Deepak Sibal, J. (Oral)

Though the present petition was filed to challenge therein an order dated 05.09.2019 passed by the Additional Civil Judge (Senior Division), Kanina (for short, the Trial Court) through which the respondents have been permitted to withdraw their partition suit and file a fresh one after impleading all co-sharers, learned counsel for the petitioners submits that he has express instructions from the petitioners not to press the present petition and that they would be satisfied if the Trial Court is directed to dispose of the fresh partition suit to be filed by the respondents in a time bound manner.

In view of the above, the present petition is dismissed as not pressed.

However, the alternate prayer made by learned counsel for the petitioners is found to be reasonable as the respondents' partition suit which has been permitted to be withdrawn with permission to file a fresh one was filed in the year 2014 in which the petitioners participated for over five years. Accordingly, if the respondents file a fresh partition suit, the permission for which was granted to them through the impugned order, the Trial Court is directed to dispose of the same expeditiously but not later than one year from the date when the defendants in such suit are served.

19.12.2019

gk

**(Deepak Sibal)
Judge**

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No