

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
Sr. No.115

CM-6880-CII-2020 in/and
CR-1928-2020
Date of decision : 18.6.2020

Rahul Chopra and another

..... Petitioners

VERSUS

Manjit Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. M.S. Sachdev, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

CM-6880-CII-2020

The application is allowed as prayed for subject to all just exceptions.

CR-1928-2020

The petitioners have challenged order dated 23.1.2020, whereby, their joint application under Order 6 Rule 17 CPC and Order 1 Rule 10 CPC, has been dismissed.

The suit filed by the petitioners is for a declaration regarding title of property purchased by them vide sale deed dated 4.9.2006 and for consequent relief of injunction. Alternative relief of separate possession by way of partition has also been sought.

Learned counsel for the petitioners submits that it is necessary to implead all the co-sharers for grant of relief of partition. The same having not been done, a prayer has been made for permission to withdraw the suit with liberty to file a fresh one on the same cause of action.

The prayer appears to be genuine and has merit.

The revision petition is accordingly disposed of with direction to the trial Court that in case, the petitioners file an application for withdrawal of the suit with liberty to file a fresh one on the same cause of action, the same

It is, however, made clear that filing of a fresh suit will not bar the defendants from taking all pleas available in law to oppose the suit.

(SUDHIR MITTAL)
JUDGE

18.6.2020
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No