

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

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**RSA-1464-2020 (O&M)
Date of decision : 02.09.2020**

Central Board of Secondary EducationAppellant

Versus

NirupamRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Kannan Malik, Advocate for the appellant.

Mr. Parmod Sharma, Advocate for the respondent.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The appellant has filed present appeal for setting aside of judgment and decree dated 16.11.2019 passed by learned Additional District Judge, Karnal passed in Civil Appeal No.26 of 2019 titled as 'Nirupam Vs. Central Board of Secondary Education' whereby judgment and decree dated 08.12.2014 passed by learned Civil Judge (Junior Division), Karnal in Civil Suit No.65751 of 2014 titled as 'Nirupam Vs. Central Board of Secondary Education' were modified to include the relief of mandatory injunction and suit of the plaintiff was decreed and decree for declaration to the effect that correct date of birth of the plaintiff-Nirupam is 12.07.1994 and correct name of his father is Ashwatthama and name of his mother is Anita and decree for mandatory injunction directing defendant-Central Board of Secondary Education to make correction in the record to incorporate date of birth of the plaintiff-respondent as 12.07.1994 instead of 21.06.1995 and name of his father as Ashwatthama instead of Ashwatthama Sharma and name of his mother as Anita instead of Anita Sharma were passed.

Learned Counsel for the respondent-plaintiff has, on instructions from the respondent-plaintiff, stated that the respondent-plaintiff does not want to continue with his civil suit and prays that while setting aside the impugned judgments and decrees, the suit may be dismissed as withdrawn.

In view of the statement of learned Counsel for the respondent-plaintiff, the appeal is allowed and impugned judgments and decrees dated 08.12.2014 and 16.11.2019 are set aside and Civil Suit No.65751 of 2014 is dismissed as withdrawn leaving the parties to bear their own cost.

02.09.2020

Kothiyal

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No