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

CR No.5777 of 2019 (O&M)

Date of decision: February 03, 2020

Om Parkash (since deceased) through his LRs

.....Petitioners

Versus

Sanjay Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ashok Tyagi, Advocate for petitioners.

Mr. Parminder Singh, Advocate for the respondent.

MAHABIR SINGH SINDHU, J

Present revision petition is filed under Article 227 of the Constitution of India for setting aside the impugned order dated 20.05.2019 (P-4) passed by learned Additional Civil Judge (Senior Division), Karnal, whereby, application of the petitioners for setting aside *ex parte* order dated 07.08.2014 as well as *ex parte* judgment and decree dated 09.05.2017, has been dismissed.

After arguing for sometime, learned counsel for the petitioner has realised that against the impugned order, remedy of appeal is very well available under Order XLIII Rule 1 of Code of Civil Procedure, 1908; and wishes to withdraw the present petition with liberty to avail the remedy of appeal.

Dismissed as withdrawn with liberty aforesaid.

**(MAHABIR SINGH SINDHU)
JUDGE**

February 03, 2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No