

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

**C.M. No.3533-CII of 2021 in/and
Civil Revision No.68 of 2021 (O&M)
Date of Decision: 06.04.2021**

Bharat Petroleum Corporation Ltd.

.....Petitioner

Versus

M/s Surya Filling Station, Tarheri and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Raman Sharma, Advocate for the applicant/petitioner.

MAHABIR SINGH SINDHU, J.

CM No.3533-CII of 2021

Present application has been filed under Order 9 Rule 4 read with Section 151 of the Code of Civil Procedure for restoration of the main petition, which was dismissed for non-prosecution, vide order dated 04.03.2021.

After hearing learned Counsel for the applicant/petitioner and for the reasons mentioned in the application, which is supported by an affidavit, the same is allowed. Main case is restored to its original number and taken up today itself.

MAIN CASE

Present petition is filed under Article 227 of the Constitution of India for setting aside the impugned order dated 19.03.2010 (P-4), passed by learned Civil Judge (Sr. Divn.), Patiala, whereby suit of the petitioner/plaintiff

had been dismissed in default due to non-compliance of some previous order and which reads as under:-

“Summons to defendant not issued as RC and correct address not filed. Since the compliance of the previous order has not been made, as such present suit of the plaintiff is dismissed in default due to non compliance of order. File be consigned to the judicial Record Room.”

After arguing for sometime, learned Counsel for the petitioner wishes to withdraw the present petition with liberty to take recourse to the remedy available under law.

Dismissed as withdrawn with liberty aforesaid.

April 6th, 2021
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>