

134 RA-RS-21-2021 IN RSA-5327-2016

KULDEEP SINGH AND ORS VS JARNAIL KAUR AND ORS

Present: Mr. Atul Goyal, Advocate
for the applicant/respondent No.2(b) & 2(c).

Through this application, the legal representatives of defendant No.7 (before the trial Court) pray for recall of the order, passed with the consent of the learned counsel representing the parties on 28.07.2021, which reads as under:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

C.M.No.2407-C-2021

For the reasons mentioned in the application, which is supported by an affidavit, the same is allowed and the hearing of appeal is preponed to today. Taken on Board.

C.M.No.2408-C-2021

Respondent no.1(the plaintiff) in the suit has filed an application for permission to withdraw the suit. The application is supported by an affidavit. The suit has been partly decreed in his favour by the trial Court as well as by the first appellate Court.

Learned counsel representing the appellants has no objection thereto.

*Keeping in view the aforesaid facts, Civil Suit No.RT 151/28.01.10/10.10.13, CIS No.CS/1771/2013 titled as **Jarnail Kaur vs. Kuldeep Singh and others**) is permitted to be withdrawn.*

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Consequently, the decrees passed by the Courts below stands set aside with the consent of the parties.

The appeal stands disposed of accordingly.

All the pending miscellaneous applications, if any, are also disposed of”.

The applicants claim that they were not heard when the order in question was passed.

Before the trial Court, Smt. Gurmeet Kaur, the predecessor-in-interest of the applicants, was the proforma defendant. These legal representatives were proceeded against *ex parte* in the trial Court. Thus, it is clear that no relief was claimed by the plaintiff against the defendant No.7.

In view of the above, no ground to review the order dated 28.07.2021 is made out. Consequently, the present application is dismissed.

(Anil Kshetarpal)
Judge

September 20, 2021
“DK”