

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

CR-4973-2017 (O&M)

Date of decision: 05.07.2022

Nirmal Singh and another

....Petitioners

Versus

Surinder Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.S.Toor, Advocate for the petitioners

Mr.Parvez Akhtar, Advocate for
respondent no. 1, 2, 4 and 5

ANIL KSHETARPAL, J (Oral)

The First Appellate Court has dismissed the application filed by the petitioners for withdrawal of the appeal as well as civil suit with a permission to file fresh suit on the same cause of action. The court has found that the petitioners have failed to draw the attention of the court to any technical defect in filing of the suit. On decision of the suit, normally the rights of the parties are decided, which cannot ordinary be nullified in this manner.

Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook. The plaintiffs filed a suit for grant of decree of permanent injunction while restraining the defendants from alienating any specific portion of the property or from digging or removing the earth. The trial court dismissed the suit on 21st October, 2015. The plaintiffs filed the Appeal. As already noticed, during its pendency the application in question was filed. Learned

counsel representing the petitioners has failed to draw the attention of the Court to any technical defect in the already instituted suit, which was dismissed by the trial court. Hence, no ground to interfere is made out.

Dismissed.

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

05.07.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE