

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

120

1. CR-8411-2017 (O&M)

Dolly Jain

...Petitioner

Versus

Banarsi Dass Vij (since deceased) and another

...Respondents

2. CR-8403-2017 (O&M)

Chander Deep Jain

...Petitioner

Versus

Banarsi Dass Vij (since deceased) and another

...Respondents

3. CR-8408-2017 (O&M)

Sneh Jain

...Petitioner

Versus

Banarsi Dass Vij (since deceased) and another

...Respondents

4. CR-8409-2017 (O&M)

Vipan Kumar Jain

...Petitioner

Versus

Banarsi Dass Vij (since deceased) and another

...Respondents

5. CR-8410-2017 (O&M)

Sudhir Jindal

...Petitioner

Versus

Banarsi Dass Vij (since deceased) and another

...Respondents

Date of decision : 15.09.2022

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

**Present:- Mr. Nitin Jain, Advocate
for the non-applicant/petitioner(s) in all the cases.**

Mr. Mukul Aggarwal, Advocate
for applicant/respondent No. 1(i) and (ii) in all the cases.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above mentioned five civil revisions as they are similar in nature.

CM-11770-CII-2022 in CR-8411-2017
CM-11775-CII-2022 in CR-8403-2017
CM-11769-CII-2022 in CR-8408-2017
CM-11776-CII-2022 in CR-8409-2017
CM-11771-CII-2022 in CR-8410-2017

Prayer in these applications, which are supported by the respective affidavits of respondent No. 1(i) as well as respondent No. 1 (ii) through his special power of attorney Mr. Virender Kumar Jain, is for withdrawal of the application(s), filed by the applicant/respondent No. 1, under Order 9 Rule 13 CPC.

In view of the submissions made in the applications, the same are disposed of. Let the main cases be preponed and taken up today itself.

Main cases

The common prayer made in these petitions is to set aside the order dated 30.10.2012, passed by the lower appellate Court, vide which the appeal(s) filed by respondent No. (i) and (ii) was allowed and the case was remanded back to the trial Court.

Brief facts of the case are that against the *ex-parte* judgment and decree, the aforesaid respondents filed application(s) under Order 9 Rule 13 CPC, which was dismissed by the trial Court and in appeal before the lower appellate Court, the matter was remanded back to the trial Court for deciding the application under Order 9 Rule 13 CPC afresh.

Learned counsel for the applicant/respondent No. 1(i) and (ii)

submits that in view of the changed circumstances, he will withdraw the said application(s) filed under Order 9 Rule 13 CPC.

The aforesaid fact is not disputed by learned counsel for the petitioner(s).

In view of the prayer made in the aforesaid applications, the present petitions are rendered infructuous and the applications filed under Order 9 Rule 13 CPC are deemed to be withdrawn. The trial Court will pass a formal order in this regard.

A photocopy of this order be placed on the file of the connected cases.

15.09.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No