

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

**C.M. No. 2673-LPA of 2021 in/and
LPA No. 1329 of 2019 (O & M)
Date of decision: 09.02.2022**

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The DGM/Executive Engineer Operation Division, DHBVN Ltd. and others
....Appellant(s)

Versus

Rohtash (Deceased) through L.Rs.Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Ms. Pratibha Yadav, Advocate,
for the applicant-respondent.

Mr. Deepak Balyan, Advocate,
for the appellant.

(The proceedings are being conducted through video
conferencing, as per instructions)

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 2673-LPA of 2021

The present application has been filed by legal heirs of the deceased-respondent-workman for pre-poning the actual date of hearing of the main appeal on the ground that the appellants had decided to withdraw the appeal as per communication dated 18.10.2019 (Annexure R-1) attached with C.M. No. 845-LPA of 2021.

Notice of the application was issued to counsel for the appellant.

Mr. Deepak Balyan, Advocate has put in appearance and submits that he is not in a position to deny the said communication which was addressed to him by appellant No. 1 and the same reads thus:-

*“Subject: Reply of E-mail dated 14.09.2019 in the
matter of LPA 1329 of 2019 – In the case of Late Sh Rohtash
W/C Driver.*

In reference to your email in the subject cited matter this office approached to higher authorities being competent to take the decision as informed by you through email now the management has decided to withdraw the case for further compliance of main decision of Hon'ble High Court in CWP No. 14613 of 2015. Therefore, it is kindly requested to withdraw the case which is going to be heard on next date of hearing i.e. 22.10.2019.

This is for your kind information and further necessary action please.”

Keeping in view the above, we are of the opinion that the application is liable to be allowed.

Ordered accordingly.

The main appeal is taken on Board and for hearing today itself.

LPA No. 1329 of 2019 (O & M)

Dismissed as withdrawn in view of the above said communication.

No orders are passed in the application for condonation of delay of 65 days in filing the appeal and other miscellaneous applications are also accordingly disposed of.

(G.S. SANDHAWALIA)
JUDGE

09.02.2022
shivani

(VIKAS SURI)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No