

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

CRR-1390-2021 (O&M)

Date of Decision:16.03.2022

Dushyant Kumar

... Petitioner

Vs.

Surender Kumar and others

... Respondents

CORAM : HON'BLE MR. JUSTICE ANOOP CHITKARA

Present : Mr. D.S. Rawat, Advocate
for the petitioner.

Mr. Rajesh Arora, Advocate
for respondent No.1.

Mr. Himanshu Arora, Advocate
for respondent Nos.2 to 5.

Mr. Rajat Gautam, D.A.G. Haryana.

ANOOP CHITKARA, J. (Oral)

Learned counsel for the petitioner submits that in the impugned order the sole reason for dismissal was that the owner of the property did not file the complaint. However, it is submitted that the owner of the property had expired on 5.7.1969.

Learned counsel appearing on behalf of the private respondents does not dispute the fact about the death of the owner of the property way back in the year 1969.

However, the impugned order has been passed assuming that the owner of the property is alive.

Consequently, this petition is allowed and impugned order is set aside and the Court below is directed to pass fresh order after hearing the parties afresh.

At this stage, learned counsel for the respondent had argued

that it was purely a civil dispute as one regular second appeal was dismissed and one regular second appeal is pending meaning thereby giving a criminal colour to the civil dispute and the present petition has been filed to harass the accused.

The trial Court is directed to consider these aspects also while passing the order afresh

16.03.2022
rajeev

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No