

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7439 of 2019 (O&M)

Date of Decision: 23.09.2022

Mohinder Singh and Others

... Petitioner(s)

Versus

Ratan Dass and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Rajinder Goel, Advocate
for the petitioner(s).

Mr. Abhimanyu Balyan, Ms. Pooja Pande and
Ms. Bina Godare, Advocates, for the respondent No.2 to 14.

Mr. Manmohan Saroop, Advocate
for the respondent No.18.

Anil Kshetarpal, J.

1. The suit for declaration as well as possession was filed by the plaintiffs (respondent No.1 to 14 herein) in the year 2014. The plaintiffs filed an application for permission to withdraw the suit with liberty to file a fresh one on the same cause of action in the year 2017 which was allowed by the trial Court on 10.05.2019.

2. As per the application filed, Dera Bairagian and Dera Jogian have not been impleaded. It has been projected that the plaintiffs are, in fact, the representatives of the Dera Jogian and the aforesaid two deras have not been impleaded as parties to the suit.

3. Before permitting withdrawal of the suit with permission to file a fresh one, the trial Court is required to record satisfaction that the suit, as

instituted, must fail by the reasons of some formal defect or if there are sufficient grounds for allowing the plaintiffs to institute a fresh suit on the same subject matter. The permission should not be granted if the defects can be cured. If the suits are permitted to be withdrawn without recording satisfaction, there would not be any end to the litigation.

4. Keeping in view the aforesaid facts, the present revision petition is allowed and the order dated 10.05.2019 is set aside. The plaintiffs may file an application for impleadment of necessary parties which shall be decided, in accordance with law. The parties, through their respective learned counsels, are directed to appear before the trial Court on 19.10.2022.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

September 23, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No