

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

CR-5036-2019 (O&M)

Date of decision : 21.12.2022

Sunandan Gupta

... Petitioner(s)

Versus

Kanchan Jhamb & Ors..

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Surinder Singh, Advocate for
Mr. Anish Setia, Advocate for the petitioner.

Mr. D.S. Walia, Advocate for respondent Nos.1 and 2.

ALKA SARIN, J. (ORAL)

The present revision petition under Article 227 of the Constitution of India has been filed impugning the order dated 05.07.2019 whereby the combined application filed by the petitioner herein under Order 6 Rule 17 and under Order 1 Rule 10(2) read with Section 151 of the Code of Civil Procedure, 1908 (CPC) has been dismissed *inter alia* on the ground that the application was not maintainable.

On a pointed query put by the Court as to how a joint application under Order 6 Rule 17 and under Order 1 Rule 10(2) read with Section 151 CPC was maintainable, learned counsel for the petitioner seeks permission to withdraw the present revision petition with liberty to file an application under Order 1 Rule 10 CPC in view of the judgment passed by

this Court in the case of **Nirmal Singh & Ors. Vs. Tarsem Singh & Ors.**

[2015 (2) RCR (Civil) 679].

Learned counsel for the respondents states that he has no objection.

In view of the above, the present revision petition is dismissed as withdrawn with the liberty aforesaid. Pending applications, if any, also stand disposed off.

21.12.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO