

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

Sr. No.123

CR-3287-2021

Date of Decision: 01.02.2022

ARUN KUMAR

...Petitioner

VERSUS

NARESH KUMAR AND OTHERS

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Vinod Gupta, Advocate
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

A report has been received from the concerned officer, wherein it has been stated that written statement has not been filed and only on this account, application under Order 39 Rule 1 and 2 CPC, was not decided on merits. This report was sought by this Court vide order dated 20.12.2021.

At this stage, learned counsel for the petitioner submits that written statement has been filed and he does not want to pursue with the present petition, as he shall be seeking the relief sought in the application under Order 39 Rule 1 and 2 CPC, which may be decided by the Lower Court.

In view of the submission so made, the present revision petition is hereby dismissed as withdrawn.

However, vide order dated 20.12.2021, this Court had called for the report of the concerned Court, as to why the application under Order 39 Rule 1 and 2 CPC was not decided on merits so far. As per the report received, written statement had not been filed and only on this account, the

application was not disposed of. Now, written statement has been filed and in view of the same, it is expected and desired of the concerned Lower Court to dispose of the application under Order 39 Rule 1 and 2 CPC, expeditiously and preferably, within three weeks from today onwards.

(ARCHANA PURI)
JUDGE

01.02.2022

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No