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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-8388-C-2022 in/and
RSA-2797-2016 (O&M)
Date of Decision: 16.11.2022

RACHITA

.. Applicant/Appellant

Vs.

KAILASH KUMARI AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ajit Singh, Advocate for
Mr. Arun Chander Sharma, Advocate for applicant-appellant.

Mr. Inderpreet Singh, Advocate for
Mr. J.S. Mehndiratta, Advocate
for the respondents.

...

Manoj Bajaj, J. (Oral)

CM-8388-C-2022

This application has been filed under Section 151 CPC for
withdrawal of the main case.

Notice of the application.

At the asking of the Court, Mr. Inderpreet Singh, Advocate for
Mr. J.S. Mehndiratta, Advocate, accepts notice on behalf of respondents and
states that he has no objection in case, prayer of applicant-appellant is
allowed.

Application is allowed and on the oral request of the parties,
the main case is preponed and is taken up today itself.

Main case

The appellant has preferred this appeal against the judgment

and decree dated 03.05.2016 passed by appellate Court in Civil Appeal

No.538 of 2014, thereby affirming the judgment dated 09.10.2014 passed by the Civil Judge (Jr. Divn.), Yamuna Nagar, Jagadhri in Civil Suit No.410-CS, whereby her suit for permanent injunction was dismissed with costs.

The plaintiff had filed a suit for permanent injunction against her mother (defendant No.1) and cousin (defendant No.2) apprehending that the defendant No.1 being co-owner of the suit property to the extent of half share along with the plaintiff, is likely to transfer her share in favour of defendant No.2.

The said suit was contested by defendants, but upon considering the material and evidence on record, the Civil Judge (Jr. Divn.), Yamuna Nagar at Jagadhri dismissed it vide judgment & decree dated 09.10.2014. The appeal preferred by the appellant before the first appellate Court also failed on 03.05.2016. Hence this regular second appeal.

Today, learned counsel for the appellant states that as appellant's mother has expired during the pendency of the regular second appeal, therefore, he has instructions to withdraw this appeal.

The main appeal is dismissed as withdrawn.

The pending application, if any is rendered infructuous.

16.11.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No