

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 2123 of 2016 (O&M)****Date of Decision: 20.11.2023**

Ranjit Kaur

... Petitioner(s)

Versus

Gursharan Kaur and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioner(s).Mr. Azam Khan, Advocate
for Mr. Ritesh Pandey, Advocate
for the respondent No.6 to 8.**Anil Kshetarpal, J.**

1. The petitioner before this Court is one of the defendants in a pending suit filed by Gursharan Kaur and Others. She also filed a counter-claim. There was a decree passed on the basis of compromise between the parties on 16.04.1993. The correctness of the aforesaid compromise decree is the substance of the dispute between the parties. During the pendency of the suit, the petitioner (defendant No.6) filed an application for permission to withdraw the counter claim with liberty to file an appropriate application in the same Court which passed the compromise decree. The trial Court has partly allowed the application.

2. On one hand, the Court has permitted the petitioner to withdraw the counter-claim, but did not grant any permission to file any fresh and appropriate application. The correctness of the aforesaid order has been

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challenged in this revision petition.

3. The learned counsel representing the petitioner submits that the prayer of the petitioner could not be bifurcated by the Court. He further submits that it is the prerogative of the Court to grant or not to grant permission. However, the prayer cannot be bifurcated in this manner.

4. The learned counsel representing the respondent No.6 to 8 has supported the order of the trial Court.

5. This Court has considered the submissions of the learned counsel representing the parties. The argument of the learned counsel representing the petitioner that the consolidated prayer made in the application could not be bifurcated by the trial Court.

6. Keeping in view the aforesaid facts, the present revision petition is allowed. The impugned order dated 14.10.2015 is set aside with the direction to the trial Court to decide the application afresh, in accordance with law.

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

(Anil Kshetarpal)
Judge

November 20, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No