

RSA-1112-2020 (O&M)

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

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RSA-1112-2020 (O&M)

Decided on : 18.09.2023

Shashi Adlakha

. . . Appellant(s)

Versus

Dakshin Haryana Bijli Vitran Nigam Ltd. and Ors.

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None.

SANJAY VASHISTH, J. (Oral)

1. As a mark of respect, Members of the Bar are abstaining from work today, on account of sad demise of Sh. S.D. Sharma, Sr. Advocate, and former President, Punjab and Haryana High Court Bar Association, Chandigarh.

2. On 12.07.2023, following order was passed:-

“Present: None.

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Despite the case having been called twice, no one puts in appearance on behalf of the appellant(s).

In the interest of justice, adjourned to 12.12.2023.”

3. Civil Miscellaneous Application bearing No.CM-10225-C-2023, has been filed by the sole applicant-appellant, for seeking withdrawal of main appeal i.e. RSA-1112-2020, which is fixed for hearing for 12.12.2023.

4. It has been averred in the application that during the pendency of present appeal before this Court, the matter has been amicably resolved

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between the parties and a compromise has been executed between the parties. Further, a reference has been made to the order dated 24.03.2023 (appended as Annexure A-1 along with application), passed by learned Civil Judge (Jr. Divn.), Faridabad, in CIS No: CS-459-2020 (CNR No: HRFB020006532020), titled as, “Virender Singh Beniwal VS. DHBVNL etc.”, whereby, the learned Court below has allowed the suit to be withdrawn. Relevant paragraphs No.2 & 3 of CM-10225-C-2023, are reproduced as under:-

“2. That now the matter has been amicably resolved among both the parties and a compromise has been affected. The said compromise has also been brought in the notice of the Ld. Civil Judge (Jr. Division), Faridabad on the basis of which the Ld. Trial Court permitted the withdrawal of Civil Suit No.549 of 2020, titled as ‘Virender Singh Beniwal versus DHBVNL. Copy of order dated 24.03.2023 is annexed herewith as Annexure A-1.

3. That the present RSA was similar in nature to the above stated Civil Suit and since, the matter stands resolved between both the parties the appellant wishes to withdraw the present RSA as there is no point of keeping it pending.

Therefore, it is most respectfully prayed that the present petition may kindly be allowed and the petitioner may kindly be permitted to withdraw the present RSA No.1112 of 2020 titled as ‘Shashi Adlakha versus Dakshin Haryana Bijli Vitran Nigam Ltd. and others’ in the interest of justice.

Note:- No affidavit and court fee required as the appellant confined in District Jail, Faridabad.”

5. Considering the averments made in the application, prayer made by applicant-appellant is allowed, and he is permitted to withdraw main appeal by pre-poning the date of hearing from 12.12.2023 to today

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itself.

CM stands disposed of.

6. Consequently, main appeal i.e. RSA-1112-2020 (O&M) stands dismissed as withdrawn.

Pending misc. application(s), if any, also stand disposed of.

7. In the footnote of the application, it has been mentioned that
“*Note:- No affidavit and court fee required as the appellant confined in District Jail, Faridabad.*”.

Therefore, it will be open for the applicant/appellant to seek clarification or revival of the present appeal, within a period of four weeks from today, in case, any ambiguity or confusion arises on account of today’s order, passed by this Court, in the application for withdrawal of main appeal.

Copy of this order be got delivered to the appellant, as well as counsel for the appellant Sh. Kamal Chaudhary, Advocate, for information of today’s order.

(SANJAY VASHISTH)
JUDGE

September 18, 2023

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*