

RSA-2549-2019 (O&M)

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

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RSA-2549-2019 (O&M)

Decided on : 15.11.2023

Gurcharan Kaur Chakal and another

. . . Appellant(s)

Versus

Nirvair Singh Chakal and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Zaheen Kaur, Advocate for
Mr. Rehat Bir Singh Mann, Advocate
for the appellant(s).

Mr. Vaneet Thakur, Advocate for
Mr. B.S. Khehar, Advocate
for respondent No.1.

SANJAY VASHISTH, J. (Oral)

CM-12680-C-2023

- i. This is an application filed under Section 151 CPC, for seeking pre-ponement of the main appeal i.e. RSA-2549-2019, from 12.03.2024 to an early date.
- ii. Counsel for the applicants-appellants submits that on account of the fact that parties have entered into compromise, main appeal i.e. RSA-2549-2019, is required to be withdrawn. Thus, to complete the exercise, preponement of the date of hearing in the main appeal, is prayed for.
- iii. Notice of this application to the non-applicants/respondents.
- iv. Mr. Vaneet Thakur, Advocate for Mr. B.S. Khehar, Advocate, who is present in Court, puts in appearance on behalf of non-applicant/respondent No.1 and pleads no objection to the prayer made in the application.

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iv. After hearing learned counsel for the parties and perusing the contents of the application, which is duly supported by a notarized affidavit of applicant-appellant No.2, prayer made in the application is allowed. Accordingly, hearing in the main appeal is advanced from 12.03.2024 to today itself.

CM stands disposed of.

CM-12682-C-2023 IN/AND
RSA-2549-2019 (O&M)

1 By way of Civil Miscellaneous Application bearing No. CM-12682-C-2023, filed under Order 23 Rule 3 read with Section 151 of CPC, applicants-appellants are seeking withdrawal of main appeal.

2. As per the submissions and the contents mentioned in the application, more specific in paragraph Nos. 3 & 4 of the application, applicants-appellants are seeking withdrawal of main appeal. Paragraphs No.3 & 4 are reproduced hereunder:-

“3. That, the Appellants have settled all the disputes with the Respondent, Nirvair Singh Chakal.

4. That the Appellants do not want to pursue the abovesaid Regular Second Appeal and therefore filing the present application for seeking permission for withdrawal of the above-mentioned Regular Second Appeal in view of settlement arrived at between the parties.”

3. Notice of this application to the non-applicants/respondents.

4. Mr. Vaneet Thakur, Advocate for Mr. B.S. Khehar, Advocate, who is present in Court, puts in appearance on behalf of non-applicant/respondent No.1 and acknowledges the factum of compromise having been arrived at between the parties. He pleads no objection to the prayer made in the application.

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5. After hearing learned counsel for the parties, and in view of the averments made in the application, which is duly supported by a notarized affidavit of applicant-appellant No.2, prayer made in the application is allowed, and the applicant-appellants are permitted to withdraw main appeal. CM stands disposed of.

6. Consequently, main appeal i.e. RSA-2549-2019 (O&M) is dismissed as withdrawn.

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

(SANJAY VASHISTH)
JUDGE

November 15, 2023

J.Ram

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