

CR-3440-2023 (O&M)

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

Sr. No.134

CR-3440-2023 (O&M)

Date of Decision: 19.10.2023

SATISH KUMAR SAINI

....Petitioner

Versus

HARISH KUMAR AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Petitioner-in-person.

None for the respondents.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 11.05.2023, passed by the Court below, whereby an application under Order 39 Rule 1 and 2 CPC was partly allowed and the application filed under Section 151 CPC, seeking restoration of possession of the suit property, was dismissed.

It has been brought to the notice of the petitioner, who is making appearance in person about the order passed on an application under Order 39 Rule 1 and 2 CPC to be an appealable order and that revision petition does not lie to challenge the same.

The impugned order also was passed on an application under Section 151 C.P.C. for issuance of direction to the trespassers, including defendants No. 1 and 2, to be evicted from suit property. However, the issue relating to the defendants to have come into possession in the manner, as alleged by the petitioner, requires adjudication consequential to the order passed on an application under Order 39 Rule 1 and 2 CPC.

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In view of the aforesaid, the petitioner has made submission seeking permission to withdraw the revision petition with liberty to file an appeal before the Lower Appellate Court, in accordance with law.

Ordered accordingly.

The petitioner shall also have the liberty to file fresh application under Section 151 CPC seeking similar relief before the Lower Court, if so desired.

The petitioner shall make appearance before the Court below on the date already fixed.

19.10.2023
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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No