

CM-18049-CWP-2023 in
CM-16459-CWP-2023 in/and
CWP-17043-2023

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2023:PHHC:136621

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(104)

CM-18049-CWP-2023 in
CM-16459-CWP-2023 in/and
CWP-17043-2023
Date of decision: - 19.10.2023

Harvinder Singh

....Petitioner

Versus

Additional Deputy Commissioner, Patiala and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Harvinder Singh, applicant-petitioner in person.

Mr. Kunal Muthreja, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

CM-18049-CWP-2023

1. This is an application under Order 9 Rule 9 read with Section 151 of the CPC for restoration of the misc. application bearing CM-16459-CWP-2023, which was dismissed for non-prosecution vide order dated 03.10.2023.

2. For the reasons mentioned in the application, the same is allowed. The order dated 03.10.2023 is recalled and the misc. application bearing CM-16459-CWP-2023 is restored to its original number.

CM-16459-CWP-2023

1. This is an application under Section 151 CPC for recalling of order dated 07.08.2023 (Annexure A-1) passed by this Court.

2. Applicant-petitioner, appearing in person, has submitted that in the present case, he had challenged the order dated 14.07.2022 (Annexure P-6) passed by respondent No.2 whereby the sale deed dated 14.10.2019 had been cancelled in pursuance of a petition filed by respondent No.3 under Section 23 of the Maintenance and Welfare of Parents & Senior Citizen Act, 2007 and at the time of hearing the matter, the applicant-petitioner wanted to simply withdraw the petition, but on account of misunderstanding of the facts and without understanding the import of the statement, requested that 2½ months time be granted to him to vacate the premises. It is submitted that since, in the impugned order there is no direction to the applicant-petitioner to vacate the premises and the said prayer of respondent No.3 was not accepted by the SDM, Rajpura, thus, the said statement was made on account of a misconception. It is stated that since the applicant-petitioner is appearing in person, he did not understand the legal consequences of the statement and thus, prays that the said order dated 07.08.2023 be recalled and the applicant-petitioner be permitted to simply withdraw the main writ petition.

3. Learned State counsel appearing on behalf of the respondent-State has submitted that since the applicant-petitioner seeks to withdraw the main writ petition, thus, he has no objection in case the order dated 07.08.2023 is recalled.

4. Keeping in view the above-said facts and circumstances, the

present application is allowed and the order dated 07.08.2023 is recalled and the main petition bearing CWP-17043-2023 is restored to its original number.

CWP-17043-2023

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of certiorari for quashing/setting aside the order dated 14.07.2022 (Annexure P-6) passed by respondent No.2 whereby the sale deed dated 14.10.2019 of the shop in dispute has been ordered to be cancelled while exercising the powers under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Challenge has also been made to the order dated 17.05.2023 (Annexure P-8) passed by respondent No.1, whereby an appeal filed by the present petitioner against the said order has been dismissed.

2. Petitioner, appearing in person, seeks to withdraw the present writ petition.

3. In view of the above, the present writ petition is dismissed as withdrawn.

October 19, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No