

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

R.S.A. No.5567 of 2016 (O&M)

Date of Decision: 19.05.2023

M/s Sigma Moulds and Stamping Private Limited
through its Director-Jagminder Singh Bawa

.....Applicant/Appellant

Versus

M/s Chanda Enterprises Private Limited

.....Respondent

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sunil K. Chaudhary, Advocate
for the applicant/appellant.

MAHABIR SINGH SINDHU, J.

CM-5351-C-2023 in CM-2039-C-2022

Application for preponement of the date of hearing in CM-2039-C-2022, which is pending for 18.09.2023.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions. CM-2039-C-2022 is preponed and taken on board today itself.

CM-2039-C-2022

Application for withdrawal of the main appeal, which is pending for

18.09.2023, on the premise that decree stand complied with. Further prayer is for issuance of directions to refund the amount of Rs.5 Lakh deposited before this Court, vide order (A-1) and receipt (A-2).

Although, notice of present application was issued to learned Counsel for the non-applicant on 18.05.2022; but as per Office report dated 10.03.2023, there is no such Counsel as per the Bar Directory.

Be that as it may, an application for withdrawal of the main appeal on behalf of the applicant/appellant has been moved; thus, in the opinion of this Court, respondent is not going to suffer any prejudice in any manner.

In view of above and for the reasons mentioned in the application, the same is allowed subject to all just exceptions.

On oral request of learned Counsel for the applicant/appellant, main appeal is preponed and taken on board today itself.

MAIN CASE

Present appeal has been filed for setting aside the impugned judgment and decree dated 09.08.2016, passed by learned District Judge, Faridabad, dismissing the appeal against the judgment and decree dated 29.04.2014 of learned Addl. Civil Judge (Sr. Divn.), Faridabad, whereby suit for recovery of the respondent/plaintiff was decreed.

In view of the order, passed in CM-2039-C-2022, present appeal is dismissed as withdrawn.

However, it is clarified that in case respondent feels aggrieved against this order, there would be liberty to move an appropriate application for recalling of this order.

Also made it clear that an amount of Rs.5 Lakh, deposited in pursuance of order dated 21.08.2017 (A-1), be refunded to the appellant under proper acknowledgement as per rules by the Registry of this Court.

Pending application(s), if any, shall also stand disposed off.

May 19th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>