

2023:PHHC:060400

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

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RSA No.6911 of 2016 (O&M)
Date of Decision: 27.03.2023

Sukhdarshan Singh and another ...Appellants

Versus

Harpal Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Ankush Singla, Advocate, for the appellants.

Mr. Arun Jindal, Advocate, for respondent No.1.

VIKAS SURI, J. (Oral)

CM-2827-C-2023

This is an application under Order 23 Rule 1 read with Section 151 CPC for withdrawal of the present appeal.

Notice of the application to learned counsel for the non-applicant contesting-respondent.

Mr. Arun Jindal, Advocate, accepts notice on behalf of respondent No.1 and submits that the instant application be allowed as prayed for and he is supporting the same.

A perusal of the file shows that the plaintiff-respondent had filed a suit for declaration to the effect that he is the owner in joint possession of the suit property to the extent of 1/9th share and for permanent injunction.

The suit was decreed by the trial court and consequently it was held that the mutation sanctioned in favour of the defendant-appellants on

the basis of registered Will (Ex.D-1) was illegal, null and void. It was further held that Sher Singh has no right to execute the said Will, as the property in question was ancestral property. The appellant along with other co-defendants were restrained from selling, mortgaging or alienating the suit land in question more than their shares.

The appeal preferred against the said judgment and decree was dismissed by the first appellate Court and assailing the same, further appeal has been carried to this Court.

Heard learned counsel for the parties.

A perusal of the application shows that reason stated therein to seek withdrawal is that the appellant-applicants do not wish to pursue the present appeal. The application does not spell out the background or the attending circumstances like a settlement arrived at, if any, pursuant to which the appellants want to withdraw the appeal. Nonetheless the appellants being master of this appeal, it is their choice to press or not to press the proceedings instituted by them.

In view of the reason mentioned in the application, which is supported by affidavit of both the appellants, the same is allowed.

RSA-6911-2016

Dismissed as withdrawn.

(VIKAS SURI)
JUDGE

March 27, 2023

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Whether speaking/reasoned: Yes

Whether reportable: No