

CM-5008-C-2023 in/&  
RSA-3689-2017 (O&M)

-1-

. 2023:PHHC:078955

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CM-5008-C-2023 in/&  
CM-8961-C-2017 &  
RSA-3689-2017 (O&M)  
Date of Decision :30.05.2023

Kapoor and others

...Appellants

Versus

Suresh Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Devinder Singh, Advocate for the appellants.

Mr. Parveen Kumar, Advocate and  
Mr. Abhimanyu Singh, Advocate for respondents.

\* \* \*

**Harsimran Singh Sethi, J. (Oral)**

**CM-5008-C-2023**

Present application has been filed for recalling the order dated 01.05.2023 passed by this Court by which, the main appeal was dismissed for non-prosecution.

Keeping in view the averments made in the application, which are duly supported by an affidavit, application is allowed. Order dated 01.05.2023 passed by this Court is recalled and the main appeal is ordered to be restored to its original number and status and is taken up for hearing today itself.

**RSA-3689-2017**

Learned counsel for the appellants submits that keeping in view

the instructions he has received from the appellants, who are present in Court, the present appeal may kindly be disposed of having been not pressed any further but with liberty to the appellants to avail an appropriate remedy to claim their share by initiating appropriate proceedings as admissible under law by impleading all the affected parties including the respondents herein.

Learned counsel for the respondents submits that though he has no objection to the said prayer of the learned counsel for the appellants but liberty be given to raise all the objections available to the respondents as and when any proceeding is initiated by the appellants.

Keeping in view the above, present regular second appeal is disposed of having been not pressed any further with liberty as prayed for by the respective parties noticed hereinbefore.

**CM-8961-C-2017**

Application is also disposed of.

**May 30, 2023**  
*aarti*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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