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2023:PHHC:148586

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

CR-5394-2022 (O&M)

Date of decision: 22.11.2023

BALWANT SINGH GILL

.... Petitioner

Versus

MOHINDER SINGH AND ORS

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Gurjant Singh Gill, Advocate, for the petitioner.

Mr. Vaibhav Sehgal, Advocate, for respondent No.1.

Mr. Varun Girdhar, Advocate, for respondent No.2.

Ms. Shreya B. Sarin, Advocate, for respondent No.3.

GURBIR SINGH, J. (Oral)

Vakalatnama filed on behalf of respondent No.2 in Court today,
is taken on record.

Prayer in this revision petition filed under Article 227 of the
Constitution of India is for setting aside the order dated 09.04.2018
(Annexure P-2) whereby the suit filed by the petitioner has been dismissed in
default and the application for restoration of the suit has also been dismissed.

Vide order dated 01.08.2023, learned senior counsel appearing
on behalf of respondent No.3 had contended that the impugned order is
appealable in view of the provisions of Order 43 Rule 1(c) CPC.

After arguing for some time, learned counsel for the petitioner submits that he be allowed to withdraw the present revision petition with liberty file an appeal against the impugned order and the period spent for pursuing this revision be set off.

Learned counsel appearing on behalf of the respondents have no objection for the same.

Dismissed as withdrawn with liberty aforesaid.

Pending application, if any, shall also stand disposed of.

(GURBIR SINGH)
JUDGE

November 22, 2023
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No