

CM-814-C-2023 in/and
RSA No.5828 of 2019 (O&M)
Date of Decision: 31.01.2023

Jasbir Singh

.....Appellant

Versus

M/s Jeet Ram Sat Pal

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Parminder Singh, Advocate,
for the applicant-appellant.

RAJBIR SEHRAWAT, J. (ORAL)

CM-814-C-2023

This is an application for restoration of the appeal, which was dismissed for non-prosecution, vide order dated 06.01.2023.

For the reasons mentioned in the application, the same is allowed. The main appeal is restored to its original number and the same is ordered to be taken on board for hearing today itself.

Main Case

This appeal has been filed by the appellant/defendant for setting aside the judgment and decree dated 12.03.2015 passed by the trial Court, whereby the suit for recovery was decreed and the judgment and decree dated 17.10.2019 passed by the lower Appellate Court, whereby the appeal filed by the appellant/defendant was dismissed.

Learned counsel for the appellant has produced the copy of order dated 23.06.2020 passed by the Executing Court, which reflects upon a compromise between the parties and consequently the court fees have been ordered to be refunded to the plaintiff.

The counsel for the appellant has submitted that he be also permitted to withdraw the present appeal in view of aforesaid order passed by the Executing Court and that the Court fees paid on the memo of appeal be ordered to be refunded.

In view of the above, the present appeal is ordered to be dismissed as withdrawn. Consequently, the court fees is ordered to be refunded to the appellant. Necessary certificate be issued to the appellant for that purpose.

The pending miscellaneous application, if any, is also disposed of as such.

(RAJBIR SEHRAWAT)
JUDGE

31.01.2023

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Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No