



[285] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-7044-2018
Date of Decision : 13.08.2024

Anil Kumar ...Petitioner

versus

Simon Batta and othersRespondents

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Arjun Veer Sharma, Advocate for the petitioner.
Mr. Jasminder Singh Thind, Advocate for respondent No.1.
Service upon respondent Nos.2 & 3 dispensed with
(vide order dated 09.05.2022).

PANKAJ JAIN, J. (ORAL)

[1] The present revision petition is directed against order dated 30.08.2018 passed by the Civil Judge (Junior Division), Ludhiana, whereby, the plaintiff was allowed to withdraw the suit with liberty to file afresh.

[2] Counsel for the petitioner, while assailing the order has referred to the application filed by the plaintiff. Operative part of the same reads as under:-

“2. That the applicant has filed the above said civil suit against the defendant, but the applicant wants to withdraw the present civil suit due to some technical facts with the liberty to file fresh civil suit.

It is, therefore, prayed that the applicant may kindly be allowed to withdraw the above said suit with the liberty to file a fresh civil suit, in the interest of justice. ”



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[3] Counsel for the petitioner further submits that suit was filed on 13.07.2018. Defendant was put to notice for 17.07.2018. Application under Order 11 Rule 14 CPC was filed on 06.08.2018 and the matter was adjourned to 11.09.2018. However, in the interregum i.e. on 30.08.2018, the present application was moved and on the same day, the same was allowed even without putting the petitioner to notice.

[4] Counsel for respondent No.1 submits that filing of the application was necessitated for the reason that all co-sharers could not be impleaded, however, admits fairly that the same is not forth-coming from the application or from the order passed by the trial Court.

[5] Faced with the situation, he submits that he be allowed to withdraw his application dated 30.08.2018 and be granted liberty to pursue his suit.

- [6] It is thus ordered:-
- a) Order dated 30.08.2018 is set aside.
 - b) Application dated 06.08.2018 filed by plaintiff-respondent is allowed to be withdrawn in view of statement made by counsel before this Court.
 - c) Parties are directed to appear before Court of Civil Judge (Junior Division), Ludhiana on 05.09.2024. The trial shall proceed from the stage before filing of application dated 06.08.2018.

[7] Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

13.08.2024