



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-8527 of 2017 (O&M)

Date of Order:10.05.2024

Sita Ram and others

.Petitioners

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Malkeet Singh, Advocate
for the petitioners.

Mr. Ashok K.Chaudhry, Addl.A.G., Haryana
for respondent nos.1 and 2.

Mr. Atul Lakhanpal Sr. Advocate, with
Mr. Rajwant Singh Chahal, Advocate
for respondent nos.3 to 7.

ANIL KSHETARPAL, J

1. Through this revision petition, the plaintiffs assail the correctness of the orders dated 23.07.2012 and 30.05.2016.
2. Originally the plaintiffs filed civil Suit no.386-C-1994, which was dismissed as withdrawn with permission to file a fresh one vide order dated 25.11.2009. Pursuant to the aforesaid permission granted, the plaintiffs filed fresh suit i.e. Civil Suit No.176/2010. The aforesaid suit was dismissed qua defendant nos. 3, 4, 6 to 11 and 13 to 17 on 08.08.2011. The aforesaid order became final and the petitioners never assailed the same. On 17.11.2011, the plaintiffs filed an application for permission to withdraw the subsequent suit. Para 2 of the application reads as under:-

“2. That as per order passed by this Hon'ble Court the suit against defendants no.3,4,6 to 11 and 13 to 17 was



dismissed under Order 9 Rule 5 CPC vide order dated 08.08.2011. In the circumstances after passing of order dated 08.08.2011, a formal defect has been arisen, due to which suit cannot be decided, when suit against defendants no.3, 4, 6 to 11 and 13 to 17 has been dismissed, it has become necessary to file fresh suit for the subject matter of suit. The plaintiffs seek permission to withdraw from such suit with liberty to institute a fresh suit in respect of the subject matter of present suit.”

3. It has been stated by the plaintiffs that in view of the dismissal of the suit against defendants no.3, 4, 6 to 11 and 13 to 17, no relief can be granted to the plaintiffs in the suit, thus, the court dismissed their suit. The petitioners filed review application which has also been dismissed. The plaintiffs want to assail the correctness of sale deed executed in the year 1980.

4. The learned counsel representing the petitioners submits that the court was not correct in dismissing the suit by bifurcating the relief in two parts. He submits that the plaintiffs filed an application with a prayer to withdraw the suit with permission to file fresh suit on the same subject matter. Hence, the court was not correct in dismissing the suit.

5. This court has considered the submissions of the learned counsel representing the parties.

6. The suit has not been permitted to be withdrawn. The court has held that after the dismissal of the suit qua defendant nos.3, 4, 6 to 11 and 13 to 17, the suit against remaining defendants cannot continue. This is what has been stated by the petitioners while filing the application

7. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.



- 8. Dismissed.
- 9. All the pending miscellaneous applications, if any, are also disposed of.

May 10, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO