



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA-1207-2024 (O&M)
Date of Decision : 14.10.2024

Balley Ram and AnotherAppellants

VERSUS

Manoj Tyagi and AnotherRespondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Nidhi Dahiya, Advocate for
Mr. Kunal Muthreja, Advocate for the appellants.

Mr. Johan Kumar, Advocate for the respondents.

ALKA SARIN, J. (Oral)

1. On 25.07.2024 the following order was passed :

“Mr. Johan Kumar, Advocate appears on behalf of respondents and files memo of appearance, which is taken on record, subject to just exceptions.

Learned counsel for respondents submits that the appellants in present RSA had preferred one RSA bearing No.1806 of 2023 titled 'Balley Ram and another Vs. Manoj Tyagi and another' regarding the judgment and decree which are being again assailed in present RSA and that RSA had been dismissed and this fact has not been disclosed in the present grounds of appeal. Learned counsel places on record order dated

28.07.2023 passed in RSA No.1806 of 2023 titled 'Balley Ram and another Vs. Manoj Tyagi and another'.

Learned counsel appearing for the appellants submits that she has no information regarding the facts narrated by the counsel for respondents No.1 and 2 and seeks some time to have instructions in this regard.

Adjourned to 14.10.2024.”

2. It appears that the Registry had also not raised any objection regarding the present appeal being the second appeal filed by the same party. Although a matching report has been generated which clearly reveals that RSA-1806-2023 had earlier been filed and the same was dismissed. Even at the time of putting up the file before the Court no report was prepared by the Registry bringing the said fact to the notice of the Court.

3. Faced with the same, learned counsel for the appellants seeks permission to withdraw the present appeal. Permitted to do so.

4. Dismissed as withdrawn. Pending applications, if any, also stand disposed off.

5. Registry is directed to be careful in future.

14.10.2024
jk

**(ALKA SARIN)
JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO