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

(149)

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Date of decision: - 20.08.2024

Baldev Krishan

....Petitioner

Versus

Sarjant Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sandeep K. Sharma, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 03.07.2024 passed by the Additional Civil Judge (Sr. Division), Payal in civil suit titled as 'Sarjant Singh Vs. M/s Piara Lal and Company and other', vide which the preliminary issue “Whether the defendant No.2- Baldev Raj is partner of the defendant No.1 firm at the material time? OPA” has been disposed of.

2. Learned counsel for the petitioner has submitted that in view of the fact that vide order dated 03.07.2024, the preliminary issue has been disposed of and liberty has been granted to the petitioner to lead his further evidence and also in view of the provisions of Order 43 Rule 1A CPC read with Section 105 CPC, the petitioner be permitted to withdraw

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the present revision petition with liberty to raise all pleas before the trial Court and in case the main suit is decided against the petitioner, he be permitted to challenge the order dated 03.07.2024 along with the appeal to be filed against the main judgment and in case the main suit is decided in favour of the petitioner, then, he be permitted to raise cross-objections with respect to the preliminary issue, which has been decided vide order dated 03.07.2024.

3. Keeping in view the above-said facts and circumstances and also the observations made in the order dated 03.07.2024 as well as the provisions of Order 43 Rule 1A CPC read with Section 105 CPC, this Court finds that the pleas raised by the petitioner are reasonable and accordingly, the petitioner is permitted to withdraw the present revision petition with the liberty as sought.

August 20, 2024

naresh.k

(VIKAS BAHL)

JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No