



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-4826-2024

Date of decision : 27.08.2024

Hukum Chand

... Petitioner

Versus

Kesari Lal and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Vinay Kumar Pandey, Advocate for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 05.04.2024 passed by the Additional Civil Judge (Sr.Div.), Nuh whereby the application of the petitioner for cross-examination of the building expert has been dismissed.
2. Learned counsel for the petitioner in view of the fact that the objections to the report of local Commissioner, filed by the petitioner have been kept open and the same have been ordered to be considered at the time of final argument as per the order dated 19.12.2022, the present petitioner seeks to withdraw the present petition with the liberty to take up all the points during the course of trial. It is further submitted that at this stage, the petitioner would not press the challenge to the impugned order dated 05.04.2024 but in view of the provisions of the Order 43 Rule 1A read with Section 105 CPC in case the main judgment is against the petitioner, then the petitioner be granted liberty to challenge the order dated 05.04.2024 along with the appeal to be preferred by the petitioner in case the matter having been decided against the petitioner.
3. In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the aforesaid liberty.

(VIKAS BAHL)
JUDGE

August 27, 2024

Davinder Kumar