



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

CRM-M-64454-2024
Date of Decision : **19.12.2024**

DINESH ALIAS MOHAN

.....Petitioner(s)

VERSUS

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Nirmal Singh, Advocate,
for the petitioner(s).

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. Fetching grievance with an interlocutory order dated 05.11.2024, passed by learned Additional Sessions Judge, Panipat (hereinafter referred to as 'the learned trial court concerned'), whereby the application filed by the present petitioner seeking permission to change his surety by accepting the fresh surety and by deleting the entry from the Sale Deed No.4565/1, of earlier surety namely Ankit.

2. The learned trial court concerned proceeded to decline the said application on account of the fact that the further proceedings before the latter concerned, has been stayed by a co-ordinate bench of this Court, vide order dated 11.07.2022, passed in CRR-1231-2022, which is still pending adjudication before this Court.

3. Learned counsel for the petitioner in an attempt to throw challenge to the impugned order submits that the order passed by this

Court has no legal impediment for the learned trial court concerned, to decide the application on merits.

4. Notice of motion.

5. Mr. Bhupender Singh, DAG, Haryana, accepts notice on behalf of respondent-State and waives service.

6. He extends his no objection in case the application filed by the present petitioner before the learned trial court concerned is decided on its own merits.

7. This Court has considered the submissions as made by learned counsel for the parties concerned, and is of the considered view that the learned trial court concerned, ought to have decided the application on merits, as the order (*supra*) passed by this Court would not be considered to be any legal impediment for deciding any such miscellaneous application.

8. Consequently, the instant petition is **allowed**, and the order dated 05.11.2024, is hereby **set aside**, and the learned trial court concerned, is directed decide the aforesaid application, on its own merits.

9. All pending application(s), if any, also stand **disposed** of accordingly.

19.12.2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No