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

CR-8185-2017 (O&M)

Date of Decision : 08.09.2025

Balwinder Kaur and Anr.

... Petitioner(s)

Versus

Nachhattro and Ors.

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Naveen Upadhyay, Advocate for the petitioners.

Mr. S.K. Jain, Advocate for respondent Nos.2 to 4 & 6 to 11.

Petition qua respondent No.12 dismissed
vide order dated 08.01.2019.

ALKA SARIN, J. (Oral)

1. Challenge in the present revision petition is to the order dated 26.10.2016 (Annexure P-3) whereby an application filed by the petitioners for withdrawal of the civil suit with liberty to file afresh though has been disposed off with a direction that the suit is dismissed as withdrawn, however, no permission to file a fresh suit on the same cause of action was given.

2. Learned counsel for the petitioners would contend that either the application ought to have been accepted *in toto* and permission ought to have been granted for filing a fresh suit on the same cause of action or the same could have been dismissed. However, vide the impugned order the petitioners have been left remediless.

3. *Per contra*, learned counsel for respondent Nos.2 to 4 & 6 to 11 would contend that since no technical defect was pointed out and therefore the permission was rightly declined.

4. Heard.

5. In the present case the permission sought by the petitioners was to withdraw the suit with liberty to file a fresh suit on the same cause of action. The Trial Court though permitted the petitioners to withdraw the suit, however, did not give any permission to file a fresh suit on the same cause of action leaving the petitioners remediless. The Trial Court either should have accepted the application and in case the petitioners were not able to show any technical defect in the suit, the permission to withdraw the suit with liberty to file a fresh suit on the same cause of action should have been dismissed. Before this Court the counsel for the petitioners is unable to point out any technical defect in the suit.

6. In view of the above, the order dated 26.10.2016 cannot be sustained in law and the same is accordingly set aside. The application filed for withdrawal of the civil suit with liberty to file afresh stands dismissed. The main civil suit is restored to its original number.

7. Disposed off. Pending applications, if any, also stand disposed off.

08.09.2025

Ankur

(ALKA SARIN)

JUDGE

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