



CR-1562-2024 (O&M)

-1-

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

(119)

CR-1562-2024 (O&M)
Date of decision:- 19.02.2025

Shakuntala

... Petitioner

Versus

Vikash

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Gauri Neo Rampal Opal, Advocate (THROUGH V.C.) and
Ms. V. Vedika Rao, Advocate for the petitioner.

Mr. S.K.Tripathi, Advocate
for the respondent.

SUVIR SEHGAL, J. (ORAL)

1. Short issue in the instant revision petition is as to whether the petitioner can be permitted to withdraw the civil suit with liberty to file a fresh one.
2. Counsel for the petitioner submits that the petitioner filed a suit, Annexure P-1, for possession with consequential relief of permanent injunction, but as the suit was defective, an application was moved for its withdrawal with liberty to file a fresh one. However, while accepting the application, vide impugned order dated 25.01.2023, Annexure P-3, the Trial Court has permitted the petitioner to withdraw the suit, but has declined to grant the liberty.
3. Counsel for the respondent has resisted the petition by urging that the application for withdrawal is totally silent as to the defect in the suit.

**CR-1562-2024 (O&M)****-2-**

4. I have heard counsel for the parties and considered their respective submissions.
5. It is correct that in the application for withdrawal, Annexure P-3, petitioner has failed to point out the typographical error in the civil suit. However, counsel for the petitioner states that it is on account of non-impleadment of necessary parties to the civil suit. Counsel asserts that suit has been filed for possession of the property, which belongs to petitioner's deceased father and her siblings and other legal representatives are necessary parties, but inadvertently they could not be impleaded.
6. The non-impleadment of necessary parties is a formal defect and Trial Court should have granted liberty to the petitioner to file a fresh suit while accepting her application.
7. Accordingly, impugned order dated 25.01.2023, Annexure P-3, is modified. While permitting the petitioner to withdraw the suit, she is granted liberty to file a fresh one after removing the technical defect.
8. Petition is disposed off.
9. Pending application also stands disposed off.

19.02.2025
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No