



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

CR-6227-2023 (O&M)

Date of decision : 03.04.2025

Om Parkash @ Om Parkash Yadav

...Petitioner

Vs.

Ram Sawroop and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. S.K. Yadav, Advocate
Ms. Sangeeta Yadav, Advocate
for respondent No.1.

ANIL KSHETARPAL, J. (Oral)

1. In this revision petition, the defendant assails the correctness of the trial Court's order permitting the plaintiffs to withdraw the suit with liberty to file a fresh one. The suit has been permitted to be withdrawn only on the ground that the plaintiffs filed a suit for declaration without seeking consequential relief.

2. Section 34 of the Specific Relief Act, 1963 provides that the Court has the discretion to grant decree of declaration. However, if the plaintiff is entitled to any further relief but he does not pray for the same then such decree can be refused. It is not mandatory that in each suit, the plaintiff must pray for further relief. Section 34 of the Specific Relief Act, 1963 does not mandate that a mere suit for declaration is not maintainable. If the plaintiff is not entitled to any further relief, such suit is maintainable.

3. Consequently, the impugned order passed by the Civil Court is set aside. The suit filed by the plaintiff shall stand restored to its original number and the trial Court will proceed with the matter.
4. The revision petition is allowed.
5. All the pending miscellaneous applications, if any, are also disposed of.

03.04.2025	(ANIL KSHETARPAL)		
neeraj	JUDGE		
	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No