



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

RSA-4018-1999 (O&M)

Date of Decision: 19.05.2025

Gurdeep Singh and others

.... Appellants

Versus

Harbant Singh and others

.... Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Pritam Saini, Advocate for the appellants.

None for the respondents.

**NIDHI GUPTA, J. (ORAL)**

The LRs of defendant No. 1 i.e. defendants No. 1(i) to 1(iv)/ appellants herein are in second appeal against the judgment and decree dated 19.07.1997, passed by the learned Additional District Judge, Rupnagar, vide which the appeal filed by plaintiff/respondent No. 1 was *“disposed of by affirming the findings of learned trial Court on issue no. 3 only that the suit is not maintainable in the present form and thereby upholding the dismissal of the suit by setting aside other findings of the learned trial Court.”*

It is submitted by learned counsel for the appellant-defendant(s) that the learned trial Court dismissed the suit of respondent No. 1-plaintiff on the ground that the suit was not maintainable. It is submitted that the appeal filed by respondent No. 1-plaintiff was dismissed, in view of the statement made by learned counsel for respondent No. 1-plaintiff before the Ist Appellate Court that a separate



suit for partition had already been filed by Balwant Singh/respondent No. 2 herein, one of the 03 brothers of the parties.

Learned counsel for the appellant-defendants submits that accordingly, he may be permitted to withdraw the instant Regular Second Appeal, with liberty to raise all the pleas in any other proceedings pending between the parties, if any.

Permitted to do so.

Dismissed as withdrawn, with the liberty aforesaid.

Pending application(s), if any, shall stands disposed of.

**19.05.2025**

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**( NIDHI GUPTA )  
JUDGE**

**Whether speaking/reasoned    Yes/No**

**Whether Reportable            Yes/No**