

2025:PHHC:023378



[140] IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-2181-2024 (O&M)  
Date of Decision : 18.02.2025

Krishan Singh (deceased) through his LRs ...Petitioners

versus

Mahipal Singh and others ....Respondents

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Munish Mehta, Advocate for the petitioners.

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**PANKAJ JAIN, J. (ORAL)**

[1] The instant revision petition is directed against order dated 10.08.2023 passed by the learned Civil Judge (Junior Division), Mahendergarh whereby, the request made by counsel for the plaintiffs to withdraw the suit with liberty to file a fresh has been allowed after recording his statement. Order dated 10.08.2023 passed by the learned Civil Judge (Junior Division), Mahendergarh, reads as under:-

*“ No rebuttal evidence is present. Arguments also not advanced. At this stage, learned counsel for the plaintiffs got recorded his statement to the effect that the does not want to proceed further with the present suit due to some technical defect and withdraw the same with liberty to file fresh and requested for returning the original documents.*



*Heard. In view of the statement suffered by learned counsel for the plaintiffs, present suit is hereby dismissed as withdrawn with a liberty to file fresh, if required. Original documents be returned to the plaintiff, as per rules. File be consigned to the record room after due compliance.”*

[2] Leave aside applying the mind as to whether there is any technical defect that warrants withdrawal of the suit and grant of liberty, learned Trial Court did not even bother to ask the counsel representing plaintiffs with respect to the technical defect that necessitated the request.

[3] In view of the above, this Court finds that the impugned order cannot be sustained and is hereby *set aside*.

[4] Revision petition is **allowed**.

[5] All pending miscellaneous application(s), if any, stands *disposed off*.

**(PANKAJ JAIN)**  
**JUDGE**

18.02.2025  
'R. Sharma'

*Whether speaking/ reasoned* : *Yes/No*  
*Whether reportable* : *Yes/No*