



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

CR-3385-2026

Date of Decision:22.04.2026

AMNA AND ANOTHER

...Petitioners

Versus

MUNICIPAL COUNCIL MALERKOTLA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Imran Farooqi, Advocate
for the petitioners.

PARMOD GOYAL, J. (ORAL)

Present revision petition under Article 227 of the Constitution of India has been preferred by petitioners-plaintiffs being aggrieved by impugned order dated 13.02.2026 (Annexure P-5) in CS-582-2021 passed by learned Civil Judge (Senior Division), Malerkotla whereby their application under Order XXIII Rule 1(3) CPC to withdraw their civil suit with permission to file fresh one was dismissed.

2. Two major grounds upon which permission to withdraw and file fresh suit had been sought are that firstly, respondent-defendant No.1 was an unnecessary party and not concerned at all, and secondly, that since 12 marlas out of the suit land was gifted by petitioner-plaintiff No.1 to one Shiba, therefore, the dimensions of suit property stand changed. Thus, it was asserted that fresh suit after withdrawal of present suit is required to be filed.

3. Learned Court of First Instance has rightly rejected the application as none of the reasons given by petitioners-plaintiffs are just for giving liberty to petitioners-plaintiffs to withdraw suit and file fresh one



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when the written statement of contesting respondent/defendant No.2 has already been filed. The appropriate remedy in present case available to present applicant was to move an application for deletion of defendant No.1 and amend the suit accordingly. Present revision petition is dismissed with liberty to petitioners-plaintiffs to approach learned Court of First Instance for seeking deletion of defendant No.1 and for amending the plaint.

4. Pending application(s), if any, is/are disposed of accordingly.

22.04.2026
Ravinder

(PARMOD GOYAL)
JUDGE

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