

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CMPMO No. 29 of 2012

Date of Decision : 31.1.2012.

**Hakam Singh, son of Shri Amir Chand GPA of Asha Kumari, wife of Sh. Hakam Singh, proprietor of new Kangra Valley Transport, Resident of VPO Barot Banal, Tehsil Fatehpur, Distt. Kangra, H.P.
...Petitioner.**

Versus

- 1. State of H.P. through Secretary Transport Shimla-H.P.**
- 2. Regional Transport Officer Dharamshala, Distt. Kangra, H.P.**

...Respondents.

Petition under Article 227 of the Constitution of India against the order dated 21.3.2011 passed by Ld. Civil Judge (Sr. Division Kangra at Dharamshala) Distt. Kangra in CMA No.5/2010 in Civil Suit No.3/2010, titled as Hakam Singh v. State of HP & Another, whereby the learned Civil Judge (Sr. Division) Kangra at Dharamshala has dismissed the application of the petitioner with the prayer to allow the application filed by the petitioner under Order 39 Rule 1 and 2 CPC.

Coram:

The Hon'ble Mr. Justice Sanjay Karol, Judge.

Whether approved for reporting? No

For the petitioner : Mr. Neel Kamal Sood, Advocate.

For the respondents. : Mr. Ankush Dass Sood, Additional Advocate General with Mr. J.S. Guleria, Assistant Advocate General.

Sanjay Karol, J(Oral)

Mr. Ankush Dass Sood, learned Additional Advocate General enters appearance on behalf of the respondents.

2. Mr. Neel Kamal Sood, learned counsel for the petitioner seeks liberty to withdraw Civil Suit No.3/2010, titled Hakam Singh Vs. State of HP & Another, pending in the Court of Civil Judge (Sr. Divn), Kangra at Dharamshala, District Kangra, H.P. with permission to file statutory appeal. It is seen that no interim order has been passed in favour of the petitioner as his application under Order 39 Rules 1 and 2 CPC stands dismissed which has been impugned in the present petition.

3. Liberty granted. Civil Suit No.3/2010, titled Hakam Singh Vs. State of HP & Another shall be deemed to be withdrawn.

4. Statutory appeal filed, if any, shall be adjudicated on its own term.

5. Petition stands disposed of in the above terms.

Copy dasti.

31st January, 2012
k.sharma

(Sanjay Karol),
Vacation Judge.