

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.1079 of 2015
Date of Decision: 22.09.2015**

Shangara Singh and another

..... Petitioners

Versus

Madha Singh (deceased) through LRs and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present: Mr. Gagandeep Singh Siphikhi, Advocate
for the petitioners.

Ms. Himani Kapila, Advocate
for respondent Nos.1(b), (c) and respondent No.2.

AMIT RAWAL, J. (ORAL)

Challenge in the present petition is to review the impugned order dated 8.9.2014 whereby the application seeking restoration of the civil suit, which was dismissed in default on 08.05.2010, was dismissed.

Mr. Gagandeep Singh Sirphiki, Advocate, appearing on behalf of the petitioners-defendants submits that the matter, during the pendency of the suit, was sent to the Lok Adalat but the party could not amicably settle their dispute and matter was sent back to the Court. However, no one appeared in the Court and accordingly the suit was dismissed in default on 08.05.2010.

Learned counsel for the contesting respondents submits that

there is no illegality in order dated 8.9.2014 as the application, at the hands of the petitioners-defendants, was filed with a motive to harass the respondents-plaintiffs.

I have heard learned counsel for the parties and it is revealed, that application seeking restoration of the suit, was filed on 29.05.2010. The application cannot be said to have been filed beyond the period of limitation. The reason assigned by the Court for dismissing the application for restoration, in my view, is wholly capricious. Once the matter has been sent to Lok Adalat for amicable settlement and the matter is received back as the parties could not arrive at settlement, the trial Court ought to have issued summons to the parties to the lis for appearance. Having not done so, the suit has been dismissed in default of any notice to the parties.

In view of the above, the impugned order dated 08.09.2014 is accordingly set aside and the present application is allowed. The suit is restored to its original number.

Civil revision petition is allowed.

22.09.2015

Bhumika

**(AMIT RAWAL)
JUDGE**