

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 1810 of 2013(O&M)
Date of decision : August 20, 2015

Rajinder Singh

..... Petitioner

Versus

Lala Ram and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Rajiv Sharma, Advocate
for the petitioner.

Mr. C. B. Goel, Advocate
for the respondents.

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

Amit Rawal, J (oral).

The challenge in the present revision petition is to the order dated 19.7.2012 whereby the application seeking restoration of the suit filed in the year 1996 has been dismissed and appeal filed against the same has also been dismissed.

Learned counsel for the petitioner submits that the list of witnesses and diet money was submitted in 2006. The suit was dismissed on 24.7.2006. The application for restoration had been filed on 26.7.2006. The application seeking restoration of suit was also dismissed in default on 28.9.2006. An application for restoration of same was filed which has been again dismissed on

19.7.2012. He submits that in order to advance the justice, it would be equitable in case the application for restoration of the suit is allowed and the petitioner-plaintiff is permitted to lead evidence in the aforementioned suit.

Learned counsel appearing on behalf of the respondents submits that the suit was filed in September, 1996. There was no ex-parte injunction. The plaintiff-petitioner availed numerous opportunities, much less, the last opportunity but did not participate in the suit and the same was dismissed for default along with application. No copy of the diary or proof had been annexed to show that the counsel did not know about the date of hearing and the impugned order has been passed, keeping in view, the conduct of the petitioner-plaintiff and as well as pendency of the suit for almost ten years when it was dismissed for default in the year 2006.

I have heard learned counsel for the parties and appraised the paper book.

It is a matter of record that the suit was filed in September, 1996. There was no ex-parte injunction. The injunction was sought against the respondents not to raise construction. The petitioner-plaintiff could not obtain any interim injunction, much less lead evidence for a period of ten years. Diet money was deposited in the year 2006.

The revision petition is conspicuously wanting particularly of issues and zimni orders passed from time to time till the date suit was dismissed on 24.7.2006. The lackadaisical approach of the petitioner-plaintiff is writ large in as much as, the

application filed for restoration of the suit was also dismissed for default and other application was also dismissed for default.

Both the courts below have noticed the fact that the petitioner had not approached the court in proceedings such act in my view is callous and murkier and I do not find any illegality and perversity in the orders under challenge. The injunction sought was against an cause of action accrued in the year 1996 by now has evidently been evaporated.

There is no merit in the revision petition. The same is accordingly dismissed.

(AMIT RAWAL)
JUDGE

August 20, 2015
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