

CR-2314-2015 (O&M)

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

**CR-2314-2015 (O&M).
Decided on: April 28, 2015.**

Bachan Kaur deceased through LRs

..... Petitioner(s)

Versus

Dhallo @ Mukhtiar Kaur and others

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.V.K.Sandhir, Advocate,
for the petitioners.**

M.M.S. BEDI, J (ORAL).

The defendant through her LRs aggrieved by the order passed on 13.3.2015, allowing the application of the plaintiff-respondent Nos.1 & 2 for restoration of the suit which was dismissed in default on 11.2.2014, has approached this Court under Article 227 of the Constitution of India. The plaintiff-respondent No.1 & 2 had applied for the restoration of the suit which was dismissed in default on 10.2.2011 at the stage of production of rebuttal evidence. The application for restoration was filed on the ground that on account of death in relationship of the plaintiffs they had gone to relations, as such they could not attend on the date of hearing. Since application was filed within a period of one month and the case was mature, the trial Court had allowed the application for restoration vide order dated 13.3.2015.

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It is pertinent to observe here that suit filed by the plaintiff-respondent Nos.1 & 2 is a suit for possession and injunction regarding the suit land claiming share in the property pleading that the defendants have no right in the property on the basis of alleged forged Will dated 19.4.2000. Since a serious controversy regarding the title has to be adjudicated between the parties, the restoration of the suit appears to be expedient in the interest of justice. The reasonable costs has also been imposed by the trial Court while restoring the suit.

No ground is made out for interference in the impugned order.

The revision petition is dismissed.

April 28, 2015.
rka

(M.M.S. BEDI)
JUDGE