

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

(115)

**CM-579-CII-2016 in/and
RA-CR-9-CII-2016 in
CR-2317-2015
Decided on: January 18, 2016.**

Amarjit Singh

.... Petitioner

Versus

Bhupinder Singh

..... Respondent

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

Present: Mr. Naresh Gopal Sharma, Advocate,
for the applicant-respondent.

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

This is an application filed by the defendant-respondent to recall order dated 06.04.2015 directing the trial Court to give two effective opportunities to the plaintiff-petitioner-non-applicant to produce PW-3 Kulwant Singh by obtaining dasti summons for production at his own responsibility subject to payment of Rs.10,000/- as costs. The case was decided in limine observing that in case costs of Rs.10,000/- is not deposited before obtaining orders of production of PW-3 Kulwant Singh, this revision petition would be deemed to have been dismissed.

The defendant has approached this Court after the expiry of 231 days. It is mentioned in the review application that the case had already been dismissed in default and till date the plaintiff/non-applicant had not deposited sum of Rs.10,000/- as costs.

I have considered the averments in the review application and I am of the view that the opportunity was granted to non-applicant-plaintiff

subject to certain conditions. If the conditions have not been complied with or the suit stood dismissed in default prior to 26.04.2015, the revision petition would be deemed to have become infructuous and the order passed by this Court would automatically become inoperative.

No ground is made out for recalling the order.

The review petition is dismissed with above observations.

Application for condonation of delay is also dismissed in view of the observations having already been made in context to merits of the review petition.

**(M.M.S. BEDI)
JUDGE**

January 18, 2016
harsha