

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 3261 of 2015
Date of Decision: 14.5.2015.**

Gobindi Devi (deceased) through LRs and othersPetitioners

Versus

Amar Nath and othersRespondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Lalit K. Gupta, Advocate
for the petitioners.

SABINA, J.

Petitioners have filed this petition under Article 227 of the Constitution of India challenging the order dated 20.4.2015.

I have heard the learned counsel for the petitioners and have gone through the record available on the file carefully.

Petitioners had filed suit for possession and declaration. Petitioners had challenged mutation No. 412 dated 9.2.1943 by filing the suit in the year 1997. The suit was dismissed in default on 10.1.2003. Petitioners moved an application for restoration of the suit on 14.3.2011 along with an application for condonation of delay in filing the application for restoration of the suit. The case of the petitioners was that they did not come to know about the dismissal of the suit in default on 10.1.2003 and due to this reason, the delay in filing the application for restoration of the suit, had occurred. The learned Trial Court had rightly dismissed the

application moved by the petitioners seeking condonation of delay in seeking restoration of the suit and, consequently, dismissed the application for restoration of the suit as the same had been filed after 8 years of dismissal of the suit in default whereby petitioners had challenged the mutation sanctioned 54 years prior to the filing of the suit.

Since the petitioners had failed to establish that their absence before the Trial Court on 10.1.2003 as well as the delay in filing the application for restoration of the suit, was *bona fide* and unintentional, the learned Trial Court had rightly dismissed the application.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

May 14, 2015
Gurpreet