

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

**CR No.3389 of 2014
Decided on: April 6, 2015,**

Vijay Kumar and others

.... Petitioners

Versus

State of Punjab and another

..... Respondents

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

Present: Mr. Vivek Salathia, Advocate,
for the petitioners.

Mr. Neeraj Sharma, AAG, Punjab.

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

This is a revision petition against the order dated 17.02.2012 dismissing the application for restoration of the suit filed by the predecessors-in-interest of the petitioners namely Bua Ditta Mal. Bua Ditta Mal was allegedly a heart patient suffering from ailments undergoing treatment in Military Hospital, Pathankot. On account of his ailing condition, he could not appear in the Court on 03.03.2003, as a result of which, the suit was dismissed in default.

Application for restoration of the case was dismissed on 17.02.2012. Since the suit was for possession of the land against the State authorities and there were sufficient reasons for permitting the predecessors-in-interest of the petitioners to contest the matter on merits, the trial Court ought to have given an opportunity to the plaintiff to contest the suit. In

the interest of justice, the order dated 17.02.2012 is hereby set aside. The application for restoration of the suit is allowed and the suit is permitted to be restored. Parties are directed to appear before the Addl. Civil Judge (Sr. Division), Pathankot on 16.05.2015 for further proceedings in accordance with law.

The revision petition is allowed in above terms.

(M.M.S. BEDI)
JUDGE

April 6, 2015
harsha