

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 3539 of 2014

Date of Decision: 05.05.2015

Rajbir Singh @ Rajvir Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Ms. Anita Sharma, Advocate,
for the petitioner.

Mr. P.S. Mattewal, Addl., A.G., Punjab.

SABINA, J.

Petitioner has filed this petition challenging the dated 27.01.2014, whereby application for restoration of the suit which had been dismissed-in-default, was dismissed.

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

Petitioner had filed suit for declaration that he was entitled to be enrolled as a Constable with all consequential benefits. Suit filed by the petitioner was dismissed-in-default on 11.02.2002. Petitioner moved an application for restoration of the suit. The case of the petitioner was that the suit had been transferred from the Court of Sh. S.S. Bhardwaj, Civil Judge (Jr. Divn.), Chandigarh to the Court of Ms. Amol Gill, Civil Judge (Jr. Divn.), Chandigarh and the said fact

was not in the notice of the petitioner. Due to this reason, petitioner could not appear before the Court of Ms. Amol Gill, Civil Judge (Jr. Divn.), Chandigarh on 11.02.2002. Learned trial Court while dismissing the application has held that on 02.02.2002, petitioner had appeared before the Court of Ms. Amol Gill, Civil Judge (Jr. Divn.), Chandigarh and the case was adjourned to 11.02.2002. However, none had appeared on behalf of the petitioner on 11.02.2002 and the suit was dismissed-in-default. Since the petitioner had appeared before the Court where his suit has been transferred on 02.02.2002, the plea taken by the petitioner that he did not know as to in which Court his suit has been transferred was without any basis. Thus, the petitioner was in the knowledge of the fact that his case has been transferred to the Court of Ms. Amol Gill, Civil Judge (Jr. Divn.), Chandigarh but had failed to appear before the Court on the date fixed i.e. 11.02.2002.

The reasons given by the trial Court while dismissing the application are sound reasons.

No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

May 05, 2015
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