

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.7508 of 2014

Date of decision: January 30, 2015.

Jammu and Kashmir Bank Ltd.

... **Petitioner**

v.

Manjit Singh Manku and another

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON**

Present: Shri BPS Dhaliwal, Advocate, for the petitioner.

Dr. Bharat Bhushan Parsoon, J. (Oral):

Plaintiff, petitioner herein, had filed a suit for recovery of Rs.1,03,415/-, including interest, where having been ordered time and again by the court below, even charges for service of the defendants through substituted mode were not deposited; the court had even given last opportunity and final opportunity for filing publication charges and the suit was posted for 29.10.2011. Instead of complying with the orders, none appeared for the plaintiff. Sequel, the suit was dismissed under Order IX Rule 2 CPC for non compliance of orders as also for non appearance of the plaintiff or his counsel.

An application for restoration of the suit could have been moved within 30 days of the impugned order of 29.10.2011 but the application was moved for restoration of the suit only on 13.6.2012. It is clear from the perusal of the paper book that the plaintiff as also his counsel have not been pursuing their litigation with alertness and with seriousness, rather, casual approach was adopted. Even when application for restoration of the suit was made after prolonged delay, no circumstances were detailed

and elaborated for consideration of the court for condonation of delay to wriggle out of the evil effects of Article 122 of the Limitation Act, 1963.

Both these orders have been challenged before this Court but learned Counsel for the petitioner-revisionist has not been able to convince this Court about interest of the plaintiff having been followed vigilantly, rather there is not only total disregard in compliance of the court orders dated 29.10.2011 but even otherwise the application for restoration of the suit was moved after unexplained long delay showing dismal handling of the case by the plaintiff.

No defect, either on facts or in law, has been pointed out in the impugned orders calling for intervention by this Court.

Dismissed.

January 30, 2015.
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[Dr. Bharat Bhushan Parsoon]
Judge

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*