

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

(230)

CR No.7670 of 2014

Decided on: May 19, 2015.

Puran Chand

.... Petitioner

Versus

State of Haryana

..... Respondent

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

Present: Mr. Parminder Singh, Advocate,
for the petitioner.

Mr. Rohit Arya, AAG, Haryana.

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

This is a revision petition filed by the plaintiff-petitioner against the order dated 30.10.2014, dismissing the application for restoration of the suit, which was dismissed in default on 15.01.2014.

While refusing to restore the suit, the trial Court has observed that delay in filing of restoration application for 18.01.2014 to 01.02.2014 does not stand explained. The impugned order is apparently unreasonable and harsh, depriving the plaintiff-petitioner to seek adjudication of his rights sought to be enforced through the suit. Order is liable to be set aside and the suit deserves to be restored subject to payment of some reasonable cost.

The impugned order though illegal is not revisable as alternative remedy of appeal under Order 43 Rule 1(c) CPC is available to the plaintiff-petitioner.

This petition is disposed of with a direction that in case the petitioner files an appeal under Order 43 Rule 1 (c) CPC within a period of

15 days after the receipt of certified copy of this order alongwith application for condonation of delay under Section 14 of the Limitation Act, the Appellate Court shall allow the application and decide the appeal within a period of one month after notice to the defendant-State.

Disposed of with abovesaid directions.

(M.M.S. BEDI)
JUDGE

May 19, 2015
harsha