

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.855 of 2014

Date of decision: 07.12.2015

Sukhwinder Singh

.....Petitioner

versus

Sukhwant Singh Pannu and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Anil Chawla, Advocate for the petitioner
None for the respondents

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

Kuldip Singh, J. (Oral)

Impugned in the present revision is the order dated 7.11.2013 (Annexure P-1), passed by the learned Additional Civil Judge, Senior Division, Amritsar, whereby the application filed by the petitioner for restoration of the suit, which was dismissed in default on 7.1.2011, has been dismissed.

It comes out that the suit filed by the plaintiff was dismissed in default on 7.1.2011. An application for restoration was filed on 16.2.2011. It is stated that the counsel wrongly noted the date as 15.2.2011. As such, on 7.1.2011, none appeared on behalf of the plaintiff and suit was dismissed in default. The lower Court took the view that the said plea is not supported by an affidavit of the said Clerk. Therefore, the same was dismissed.

After hearing learned counsel for the petitioner and considering the case of the respondents, it comes out that the suit is for recovery, which was apparently bearing stamp papers. On one date, the counsel for the plaintiff did not appear due to wrong date noted by his Clerk. In said circumstances, the lower Court should have been liberal in restoring the suit and deciding the same on merits.

It being so, the impugned order is set aside. Consequently, the order dated 7.1.2011, dismissing the suit in default is also set aside . The revision is allowed and the suit is restored to its original number.

07.12.2015
gk

(Kuldip Singh)
Judge