

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

CR No.8763 of 2014

Date of decision: January 30, 2015.

Jammu and Kashmir Bank Ltd.

... **Petitioner**

v.

Darshan Singh 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.96,300/-, including interest, which was dismissed for non prosecution on 22.7.2011 under Order IX Rule 2 CPC 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 22.7.2011 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, 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.

[Dr. Bharat Bhushan Parsoon]
Judge

January 30, 2015.
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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?*