

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

RSA-3058-2014 (O&M)

Date of decision-29.10.2015

KARANVEER SINGH AND ORS

...Appellants

VS

SURJIT KAUR AND ORS

...Petitioners

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- None

RAJ MOHAN SINGH, J. (ORAL)

C.M No.7290-C-2014

For the reasons mentioned in the application, delay of 7 days in filling the appeal is condoned.

Application stands disposed of.

RSA No.3058 of 2014

[1] Even on fourth call none has come forward to attend this case. On 22.09.2015 Mr. Ankush Anand, Advocate appeared after taking No Objection Certificate from earlier counsel.

[2] This is plaintiff's second appeal. In a suit for declaration and permanent injunction, the suit was dismissed under Order 17 Rule 3 CPC. Plaintiffs were granted six opportunities to lead their evidence. Mother of the plaintiff did not step into the witness box, nor any list of witnesses were

supplied, nor the diet money was deposited by the plaintiff. Faced with the situation, trial Court had no alternative but to dismiss the suit under Order 17 Rule 3 CPC.

[3] I have considered the matter. Even if proviso (2) of Order 17 Rule 1 CPC is not mandatory in nature but there is no room to any misplaced sympathy at the cost of sufficiency of cause in meeting requirement of Order 17 Rule 1 CPC. There are no compelling and unavoidable circumstances making out a case of an exception much less justifiable cause which is not a sufficient cause to impel the Court to exercise jurisdiction vested in it. High stakes are no ground to tilt the requirement of law in favour of the plaintiff. Plaintiff was supposed to cooperate with the Court in ensuring effective administration of justice.

[4] In considered opinion of this Court, the impugned judgments passed by Courts below do not require any interference. Appeal is accordingly dismissed.

October 29, 2015

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(RAJ MOHAN SINGH)

JUDGE