

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.2588 of 2016

Date of Decision: May 04, 2016

Punjab Agro Industries Corporation Ltd., Sector 28, Chandigarh

...Petitioner

Versus

Rachhpal Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers 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?

Present: Mr.Anupam Singla, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner-plaintiff is aggrieved of the order dated 27.8.2013, whereby the suit was dismissed in default and the order dated 15.9.2014 dismissing the application seeking restoration of the suit.

Mr.Anupam Singla, learned counsel for the petitioner-plaintiff submits that suit was for recovery of ₹ 1,46,61,461/- along with interest @14% per annum from the date of filing of the suit till its actual realisation. As the public money is involved, the Court ought not to have dismissed the suit for non-prosecution in case there was no appearance on behalf of the plaintiff or notice ought to have been issued to the petitioner-plaintiff, which is a company registered under the Companies Act.

I have heard the learned counsel for the petitioner-plaintiff and appraised the paper book and of the view that there is force and merit in the

submission of Mr.Singla. The Court should not have adopted the adverse path while dismissing the suit and ought to have given notice to the petitioner-plaintiff by making arrangement in case the counsel had not appeared, particularly when court fees has been affixed of a huge amount. The other party can be compensated in terms of money.

In order to prevent miscarriage of justice and do advance justice, the impugned orders are set-aside subject to payment of costs of ₹10,000/-, which shall be condition precedent.

The aforementioned suit is restored to its original number.

Revision petition stands allowed.

May 04, 2016
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(AMIT RAWAL)
JUDGE