

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

CR No.2910 of 2015

Date of decision : 21.03.2016

Bhajan Singh

...Petitioner

Versus

Gurdial Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Ms. Rishma Verma, Advocate for the petitioner.

Mr. Karan Gupta, Advocate for the respondent No.1.

AMIT RAWAL, J. (Oral)

The petitioner-plaintiff is aggrieved of the impugned order, whereby appeal of the petitioner/appellant has been dismissed and the order dated 02.11.2003 passed by the trial Court, has been affirmed and order dated 02.11.2003, whereby application for restoration of the suit dismissed in default, has been dismissed.

Learned counsel for the petitioner submit that reasons explained in the application is the genuine and yet the application has met with same fate. Suit was almost at the fag end of the trial i.e. for defendant evidence. No prejudice would be caused if the opposite parties are

compensated in terms of the cost.

Mr. Karan Gupta, learned counsel appearing on behalf of respondent No.1-contesting defendant submits that twice the suit was dismissed in default. Petitioner is in habit of getting the suit dismissed for non-prosecution. It is in these circumstances, imposition of cost would not be remedy for the restoration of the suit. He further submits that application for restoration of suit was also barred by limitation, much less, cogent reasons have not come forth.

I have heard learned counsel for the parties and appraised the paper book and of the view that since the matter reached at the stage of defendant's evidence and though reasons given in the restoration application has no substance, however, in order to prevent mis-carriage of justice and render justice between the parties, I deem it appropriate that suit should be tried on merits, therefore, impugned order is set aside by compensating the other party with cost of ₹12,500/-.

Accordingly, impugned order is set aside.

Revision petition stands allowed.

Suit is restored to its original number, subject to payment of cost of ₹12,500/-. Cost shall be condition precedent.

21.03.2016

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**(AMIT RAWAL)
JUDGE**