

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.3147 of 2016 (O&M)
Date of decision:04.05.2016

Tejbir Singh and another

... Petitioners

Vs.

Balbir Kaur 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:- Mr. B.D.Sharma, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

Petitioner-defendants No.5 and 6 are aggrieved of the impugned order dated 02.04.2016 (Annexure P-5), whereby, suit has been restored by condoning the delay.

Mr. B.D.Sharma, learned counsel appearing on behalf of petitioner/defendants No.5 and 6 submits that no explanation, much less, reasonable explanation has come forth in seeking delay. The respondent-plaintiffs had not been diligent in pursuing the case. Reasons assigned in the application were not supported by the affidavit, yet the Court below has restored the suit and thus, urges this Court for setting aside of the impugned order.

I have heard learned counsel for the petitioner/defendants No.5 and 6 and appraised the paper book and of the view that there

is no force in the submissions of Mr. B.D.Sharma, for, it has been proved on record that numerous detailed reasons have been given for non-appearance on the date suit was dismissed in default which has been noticed in the impugned order.

It is also a matter of record that plaintiff No.1 remained in the hospital at Delhi to take care of plaintiff No.2 and her family members, thus, could not contact the counsel, therefore, the absence was bona fide and without any intention. The detail of each and every date has been given. The Court after relying upon the judgments rendered by the Hon'ble Supreme Court, as well as, by this Court has adopted a justice oriented approach, i.e., uppermost consideration that ordinarily a litigant ought not to be denied an opportunity of having a lis determined on merits.

No interference is warranted in the impugned order, much less, the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

May 04, 2016
savita