

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3304 of 2016

Date of Decision: 09.05.2016

Harpreet Singh Makkar

... Petitioner(s)

Versus

Gurmeet Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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

Present: Mr. Gursimran Singh, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition is challenge to the order dated 29.2.2016, passed by learned Civil Judge (Junior Division), Ludhiana, whereby application, filed by plaintiff/petitioner, for restoration of the suit was dismissed.

Learned counsel for the petitioner submitted that petitioner could not pursue his case as his mother passed away in the month of February, 2014 and he remained under depression during that period. The Court below has completely ignored this fact while passing the impugned order and as such the same be set aside.

Having considered the submissions made by learned counsel for the petitioner; gone through order dated 29.2.2016 and record of the case, this Court is of the view that the Court below has taken a correct view while passing the impugned order because suit was dismissed in default for non appearance of the plaintiff on three consecutive dates. Petitioner might have some justified ground not to appear on 7.2.2014 because of death of his mother. But there was absolutely no reason for his non-appearance on 12.3.2014 and 5.5.2014. More so, petitioner was duly represented by counsel. If at all, there was any circumstance which was beyond the control of petitioner for his non-appearance, he must have intimated to his counsel. Even learned counsel for the petitioner failed to put in appearance and under those circumstances, the Court dismissed the suit on account of continuous default for non-appearance of the petitioner. The order passed by the Court below dated 29.2.2016 does not suffer from any illegality calling for interference by way of present petition and the same is hereby dismissed, *in limine*.

(Shekher Dhawan)
Judge

May 09, 2016

"DK"