

214.

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

Civil Revision No.3226 of 2014 (O&M)

Date of decision:17.05.2016

Ved Parkash

.... Petitioner

versus

Kapoor Singh and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr.Deepak Girotra, Advocate,
for the petitioner.

None for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The civil revision is incompetent, for, it challenges two orders, one, the order denying closure of the plaintiff's side on 07.03.2014 and another dismissal of the suit on 21.03.2014. If the first order of closing evidence is merged with the second order of dismissal, the remedy of the plaintiff shall be either to seek for restoration of suit under Order 9 Rule 9 CPC or if it were to be construed a dismissal on merits under Order 17 Rule 3 CPC, it shall be treated as a decree and the appeal to be filed under Section 96 CPC. In either event, the revision is incompetent.

2. The revision petition is disposed of with liberty to the appellant to work out appropriate remedies in the manner referred to above. If there is a delay in filing such an application or appeal, the prosecution of this case before this court may be cited as a reason for exclusion of time in the manner contemplated under Section 14 of the Limitation Act. The court will pass appropriate order in such an application if it is moved.

(K.KANNAN)
JUDGE

17.05.2016
sanjeev