

110.

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

Civil Revision No.4020 of 2016

Date of decision:03.06.2016

Dalip Singh and another

... Petitioners

versus

Joginder Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr.Munish Puri, Advocate,
for the petitioners.

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)

The plaintiffs' suit which was dismissed at the preliminary stage for absence of the party has moved an application for restoration under Order 9 Rule 9 CPC. It ought to have been considered as an application under Order 9 Rule 4 CPC and any application for restoration ought to have been filed within 30 days. It appears the application was not filed within 30 days on the ground that they came to know about the order only beyond a period of 30 days. I do not think the delay in this case was such that the court not have condoned it. There is not at all times a need for filing an application to condone the delay and the court has itself taken notice of the cause of delay

notice to the respondents and restore the suit and allow the civil revision.

(K.KANNAN)
JUDGE

03.06.2016
sanjeev