

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

C.R. No.5092 of 2015 (O&M)

Date of Decision.14.12.2016

Punjab State Power Corporation Limited

.....Petitioner

Vs

Sushil Kumar (deceased) through LR's and others

.....Respondents

Present: Ms. Monica Sharma, Advocate for  
Mr. Mukul Aggarwal, Advocate  
for the petitioner.

Mr. R.D. Bawa, Advocate  
for respondent No.3.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

-. -

AMIT RAWAL J. (ORAL)

Ms. Monica Sharma, Advocate for Mr. Mukul Aggarwal, Advocate, learned counsel representing the petitioner-plaintiff submits that before the trial Court suit against defendant Nos.2 and 3 has already been dismissed in default on 17.03.2011 and the suit was proceeded against defendant No.1 only but the same has also been dismissed in default on 05.06.2012. The application in this regard was moved on 30.08.2012 which has erroneously been dismissed.

Mr. R.D. Bawa, learned counsel appearing for the respondent submits that he has no role to play as the suit has already been dismissed. As per the office report, notice on respondent No.1(iii) could not be effected, being one of the legal representatives and the other respondents are also not available. It is very innocuous case where the plaintiff's suit has been dismissed for non-prosecution but plaintiff wants to continue with the same. Though the application was not moved within the period prescribed,

however, in the interest of justice and in view of the peculiar facts and circumstances of the case, the impugned order is set aside and the application for restoration of the suit qua defendant No.1 is allowed subject to payment of costs of ₹5000/-.

The revision petition is allowed.

**(AMIT RAWAL)**  
**JUDGE**

**December 14, 2016**

Pankaj\*

Whether reasoned/speaking      Yes

Whether reportable                  No