

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

C.R. No.8878 of 2015

Date of Decision.05.01.2016

Hira Lal and others

.....Petitioners

Vs.

Sandeep and others

.....Respondents

Present: Mr. Parmod Parmar, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. There is no scope for intervention in a case where the Appellate Court has dismissed the appeal filed against the order passed at an interlocutory stage. The interim application was for injunction under Order 39 Rule 1 and 2 CPC in a pending suit. When the appeal was filed, it appears that the suit was dismissed for default and the Appellate Court treated the fact of dismissal of the suit as justification for dismissal of the appeal as well.

2. As and when the suit is restored to file, the revision petitioner will have the liberty to approach the Appellate Court with an application for revival of the appeal filed by him against the order passed under Order 39 Rule 1 and 2 CPC. If such an application is filed, the Court will examine the merits of the petitioner's case at the Appellate Court. As of now, there is no scope for intervention.

3. The revision petition is dismissed but with the above observations.

**(K. KANNAN)
JUDGE**

January 05, 2016