

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

C.R. No.866 of 2014

Date of Decision.06.12.2016

Shri Brij Mohan

.....Petitioner

Vs

Manju Agnihotri and others

.....Respondents

2. C.R. No.1104 of 2014

Shri Brij Mohan

.....Petitioner

Vs

Uma Wati and others

.....Respondents

3. C.R. No.1113 of 2014

Shri Brij Mohan

.....Petitioner

Vs

Sudesh Mittar and others

.....Respondents

Present: Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Jatinder Jit Kaur, Advocate
for respondent No.1 in C.R. Nos.866 and 1104 of 2014.

Mr. Puneet Jindal, Senior Advocate with
Ms. Shreya Vasishtha, Advocate
for respondent No.1 in C.R. No.1113 of 2014.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Learned counsel for the respondent(s) submits that no cause of action survives in the revision petition filed against the order allowing the application filed under Order 1 Rule 10 CPC as the main application for passing final decree itself has been dismissed for default of appearance and non-prosecution on 17.08.2016.

Learned counsel for the petitioner feigned ignorance about the order of dismissal for non-prosecution but the same has been cited and reproduced as under:-

“Today the case was fixed for filing reply to the application for dismissal of the petition on behalf of applicant as well as for addressing arguments on the application U/o 1 Rule 10 CPC. Case called for so many times, but, neither the applicant nor any counsel on his behalf appeared. As it is about 4.00 PM, so, the present application for passing final decree is ordered to be dismissed in default for the non-appearance of the applicant under Order IX Rule 8 CPC. File be consigned to record room, after due compliance.

*Pronounced in open court
17.8.2016*

*(Parminder Kaur) PCS
CJJD/NRI cases
Jalandhar”*

In my view, there is no cause of action survives in the revision petition as the main application for passing final decree itself has been dismissed for default, however, liberty is granted to revive the same as and when the application for passing the final decree is restored back on file.

All the revision petitions are dismissed as having become infuctuous but with the liberty aforementioned.

**(AMIT RAWAL)
JUDGE**

December 06, 2016
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No