

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CM-20556-CII-2017 in/and
CR-1701-2012 (O&M)

Date of Decision:27.09.2017

Hardeep Singh

.....Petitioner

Versus

Balwinder Kaur and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr.Kuldeep Singh, Advocate,
for the applicants-respondents.

RAMESHWAR SINGH MALIK, J.(Oral)

Applicants seek dismissal of the revision petition as infructuous because during pendency of the present revision petition, suit of the plaintiff-petitioner has been dismissed in default vide order dated 12.01.2015 and the same has not been restored so far, as no application for restoration has been filed by the plaintiff-petitioner.

In view of the peculiar facts and circumstances of the case, case is taken-up on Board for final disposal.

Instant civil revision petition is directed against the order dated 06.02.2012 arising out of an application moved by the plaintiff under Order 39 Rules 1 and 2 CPC. Learned counsel for the applicants submits that after admission of the revision petition, plaintiff was doing nothing and the learned trial court was also not proceeding further with the suit. Finally, the learned trial court vide order dated 12.01.2015, Annexure R-1 at page 13 of the present application, dismissed the suit in default.

In this view of the matter, learned counsel for the applicants has been found justified in contending that once the suit itself has been dismissed in default and that too before more than 2½ years, coupled with the fact that the plaintiff has not moved any application for restoration of the suit, revision petition has been rendered infructuous.

In view of the above, instant revision petition is disposed of, as having been rendered infructuous, however, with liberty to the petitioner to get it revived, if necessity arises.

September 27, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No