

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.1637 of 2017 (O&M)
Date of decision: April 21, 2017

Jaswinder Singh & others

...Petitioners

Versus

Nirmal Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. B.S. Randhawa, Advocate for the petitioners.

Rajan Gupta, J.(oral)

Present revision petition is directed against the order dated 18.11.2016, passed by the trial court, whereby application filed by respondent No.1/plaintiff under Order 9 Rule 4 CPC has been allowed.

It has been urged before the court that application filed by respondent No.1 was not maintainable as same was barred by limitation. Thus, order deserves to be set aside.

I have heard learned counsel for the petitioners and given careful thought to the facts of the case.

It appears, respondent no.1/plaintiff filed a suit for partition, which was decided on 25.10.2010, appointing a local commissioner for fixing the mode of partition. In the said suit, respondent No.1/plaintiff filed application under Order 9 Rule 2 CPC for passing of final decree. Same was dismissed by the court on 11.2.2015 for want of correct addresses of the judgment debtors. Respondent No.1 filed application under Order 9 Rule 4 CPC for setting-aside the order dated 11.2.2015, which has been allowed by

the trial court by setting aside its earlier order dated 11.2.2015, subject to payment of Rs.500/- as costs. I find no infirmity with the order passed by the court below. While passing the impugned order, the trial court considered explanation that respondent No.1/plaintiff being a police official was engaged in his duty and could not file necessary process fee and also could not appear before the court earlier to 11.02.2015. I find no ground to interfere in revisional jurisdiction of this court.

Dismissed.

(RAJAN GUPTA)
JUDGE

April 21, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No