

**116 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CR No. 6119 of 2017

Date of Decision: 11.09.2017

NARINDER SINGH

-PETITIONER

VS

PRITAMJIT SINGH AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ajay Pal Singh Rehan, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

In this revision petition, prayer of the petitioner has emerged during course of arguments that the application for restoration of the suit is fixed for 29.09.2017. Till such time, his possession be protected.

The suit was filed on 20.01.2017. The process was issued by the Court for 28.02.2017. The order of status quo was passed regarding possession till then. It was also ordered that if service remains unaffected, then the impugned order shall be vacated automatically. On 21.04.2017, written statement was not filed and thereafter, the case was adjourned for 03.05.2017 and 15.05.2017. On 30.05.2017, written statement was filed as well as reply to stay application under Order 39 Rules 1 and 2 CPC. The prayer for vacation of exparte stay was ultimately dismissed on

08.08.2017. It appears that two proceedings were pending at the relevant time. One was in the main suit and the second was in the proceedings under Order 39 Rules 1 and 2 CPC. The main suit was dismissed in default on 10.07.2017, whereas in the miscellaneous proceedings, presence of learned counsel for the plaintiff was duly recorded on 10.07.2017 and the case was adjourned for 19.07.2017.

In view of nature of order which this Court proposes to pass at this juncture, there is no necessity of calling upon the respondent as it would incur unnecessary expenses at the instance of the respondent.

This revision petition is disposed of by directing the trial Court to decide the application for restoration dated 24.07.2017 on the date fixed or on any other convenient date thereafter by giving short adjournment.

Till such time, there shall be status quo regarding possession over the suit land. However, this order shall be subject to payment of costs of Rs.10,000/- to be paid to the respondent.

Payment of costs shall be the condition precedent before granting indulgence by the trial Court in the aforesaid context.

11.09.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No