

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

CR No. 6427 of 2017 (O&M)

Date of Decision: 25.09.2017

RAJPAL SINGH

-PETITIONER

VS

AMARDEEP AND ANR.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Saurabh Dalal, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

This revision petition has been preferred against the order dated 04.08.2017 passed by Civil Judge (Junior Division), Bahadurgarh vide which application for restoration of the application of the suit was allowed after condoning the delay.

The suit was dismissed in default on 16.08.2010 due to non-appearance of the plaintiff and his counsel. An application for restoration of the suit was filed on 25.08.2010 and the same was dismissed in default on 10.03.2012. The reason for non-appearance of the counsel was the knee surgery conducted upon him.

The trial Court has already granted indulgence in favour of the plaintiff-respondent by appreciating the incapacity of the lawyer to appear in the case due to his knee surgery and

allowed the restoration after condoning the delay subject to payment of some cost. The suit was dismissed in default under Order 9 Rule 8 CPC, which bars filing of fresh suit on the same cause of action.

Indulgence shown by the trial Court cannot be interfered with.

Accordingly, the present revision petition is dismissed.

25.09.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No