

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

Civil Revision No.7179 of 2016 (O&M)
Date of decision: April 05, 2017

Sadhu Singh and another ...Petitioners

Versus

Surinder Caplash and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. H.P.S. Ghumman, Advocate for the petitioner.

Rajan Gupta, J.(oral)

Present revision petition is directed against the order dated 25.07.2011, passed by the trial court, whereby suit filed by the petitioner was dismissed in default as well as order dated 20.08.2016, whereby application of the petitioners for restoration of original application filed under Order 9 Rule 9 CPC for restoration of suit, has been dismissed.

It has been urged before the court that absence of counsel for petitioners before the court below was neither intentional nor deliberate. Thus, orders passed by the court below deserve to be set-aside.

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

It appears, a suit for damages and compensation was filed by the petitioners against the respondents on 4.9.2006 on account of alleged mental and financial harassment at the hands of the defendant/respondents. Defendants contested the suit and filed their written statement. After framing of issues case was pending for plaintiffs' evidence. On 25.7.2011,

no one had put in appearance on behalf of the parties and thus, the suit was dismissed in default. An application under Order 9 Rule 9 CPC was filed by the plaintiffs for restoration of the main suit on 26.8.2011. Said application was also dismissed in default on 29.01.2014. Plaintiffs moved another application for restoration of the application filed under Order 9 Rule 9 CPC. Finding no merit, same has been dismissed by the trial court, vide order dated 20.8.2016, with the observation that plaintiffs were habitual of absenting themselves from proceedings. I find no infirmity with the order passed by the court below. No ground to interfere in revisional jurisdiction is made out.

Dismissed.

(RAJAN GUPTA)
JUDGE

April 05, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No