

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

CR No.8045 of 2015
Date of decision : 19.09.2017

Navdeep Rana

...Petitioner

Versus

Randeep Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Bali, Advocate for
Mr. Parminder Singh, Advocate for the petitioner.

Mr. Bhupender Singh, Advocate for the respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

The suit filed by the plaintiff was dismissed in default on 04.12.2008. An application for restoration of the suit was filed on 06.01.2009 on the ground that the counsel for the plaintiff is suffering from cancer and, therefore, he could not appear.

Even the application for restoration of the suit was also dismissed for non-prosecution.

The plaintiff filed an application for restoration of the suit as well as restoration of the application for restoration of the suit. The aforesaid application has been dismissed by the trial Court vide order dated 06.05.2015.

It is well settled that no one should be condemned unheard. The

plaintiff had filed a suit for declaration and was claiming some right in the immoveable property. The plaintiff had given sufficient reasons for non-appearance of the counsel.

In view of the discussion made above, the order dated 06.05.2015 passed by the trial Court is set aside.

The suit itself is restored to its original number, subject to the payment of costs of ₹5000/-.

Parties are directed to appear before the trial Court on 12.10.2017.

Revision petition is allowed.

19.09.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No