

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

**CR No.3343 of 2015
Date of decision:30.10.2018**

Rajwant Singh

... Petitioner

Vs.

Piara Singh (since deceased) through LRs

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioner.

None for the respondent.

AMIT RAWAL J. (Oral)

The present revision petition is directed against the impugned order dated 30.10.2014 whereby an application of the petitioner-plaintiff for restoration of the suit dismissed in default on 22.12.2010, has been dismissed.

Learned counsel appearing on behalf of the petitioner-plaintiff submitted that on 22.12.2010, the suit was dismissed in default. However, the application for restoration was filed on 08.01.2011. The Court had marked the application to Ahlmad to report on 02.02.2011 and the Court had considered the date of filing an application as 01.02.2011 and dismissed the same. Even other party contested the application and issues in this regard were also framed.

There is no representation on behalf of the respondent.

I have heard the learned counsel for the petitioner-plaintiff, appraised the paper book and of view that the trial Court had abdicated in noticing the date of filing of the application as 01.02.2011, whereas the date on the application is 08.01.2011 which was well within the period of limitation. The aforesaid fact has gone un-rebutted. The finding of the trial Court in dismissing the application is wholly erroneous. The impugned order dated 30.10.2014 is hereby set aside and and suit is restored to its original number. Revision petition stands allowed subject to payment of costs of ₹5,000/-.

(AMIT RAWAL)
JUDGE

October 30, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No