

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

CR No.3786 of 2017 (O&M)
Date of decision : 26.03.2018

Haryana Waqf Board

...Petitioner

Versus

Naresh Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ghulam Nabi Malik, Advocate for the petitioner.

Ms. Sonia G. Singh, Advocate for respondent Nos.1 and 2.

Mr. Yashveer Kharb, Advocate for respondent Nos.3 and 4.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-petitioner is in the revision petition against the order passed by the learned trial Court refusing to restore the case, which was dismissed for non-prosecution. Learned Court has held that the application for restoration is barred by time.

This Court has carefully gone through the application filed for restoration. It is specifically pleaded that the clerk of the counsel who had appeared had noted the next date as 08.11.2016 instead of 06.10.2016. The application for restoration was filed on 28.11.2016. The reasons for condonation of delay were itself mentioned in the application for restoration.

In the considered opinion of this Court, a separate application

seeking condonation of delay was not required to be filed. The Court ought to have examined the contents of the application to find out the reasons.

Still further, it is well settled that the efforts should be made to decide the suit on merits, rather than on technicalities.

In view of the aforesaid, the order under challenge is set aside. The suit is restored. This order shall be subject to the payment of costs of ₹5,000/-. Parties through their counsel are directed to appear before the learned trial Court on 16.04.2018.

Revision petition is allowed.

26.03.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No