

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.2666 of 2017 (O&M)

Date of Decision: October 31, 2018

Gurdial Singh & others

...Appellants

Versus

Karam Singh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Vipin Mahajan, Advocate,
for the appellants.

AMIT RAWAL, J. (Oral)

CM No.6623-C of 2017

For the reasons mentioned in the application, which is supported by an affidavit, delay of 245 days in filing the appeal is condoned.

CM stands disposed of.

CM No.6624-C of 2017

Application is allowed. Leave to file the present appeal is granted to the applicants being legal heirs of Parkash Kaur.

RSA No.2666 of 2017

Appellant-plaintiffs sought redemption of the suit property by way of possession on payment of ₹ 38,000/-.

It was stated that the appellant-plaintiffs had already filed proceedings before the Collector and one civil suit for the same relief, but both the proceedings were dismissed in default under Order 9 Rule 8 CPC.

It is on this account, the suit was dismissed being barred by Order 2 Rule 2

CPC.

No explanation has come on record that any efforts were made on the part of the appellants for getting the aforementioned previous suit revived/restored enabling fresh cause of action to institute the suit. This is what the import of the law. Thus, the argument of Mr. Mahajan that the judgments and decrees of the Courts below are suffering from illegality is not sustainable. Resultantly, the appeal is dismissed.

October 31, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No