

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CR No.8467 of 2017 (O&M)  
Date of decision:15.01.2019

Pradeep

... Petitioner

Vs.

Rameshwar and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Ranjeet K.Jaswal, Advocate  
for the petitioner.

None for the respondents.

**AMIT RAWAL J.**

The present revision petition is directed against the impugned orders dated 29.06.2016 (Annexure P-6), 15.09.2015 (Annexure P-5) and 30.01.2014 (Annexure P-2), whereby, appeal, an application for restoration of suit and suit have been dismissed.

Learned counsel appearing on behalf of the petitioner submitted that petitioner had filed a suit for permanent and mandatory injunction restraining the defendants, legal heirs, agents, servants attorney not to create harassment and interruption in the peaceful possession. The aforementioned suit was dismissed in default on 30.01.2014. An application for restoration (Annexure P-3) was filed which was opposed by filing a reply and the same has erroneously been dismissed on 15.09.2015. The order was assailed before the Lower Appellate Court. The counsel did not appear before the Court below despite assurance as the plaintiff was under impression that

suit was being pursued diligently. On acquiring the knowledge, services of new lawyer were availed and moved the application and therefore, there was no intention to delay the matter and submitted the application on 19.05.2014 on acquisition of knowledge.

Despite service, there is no representation on behalf of the respondents.

I have heard the learned counsel for the petitioner, appraised the paper book and of the view that there is force and merit in the submissions of Mr. Ranjeet K. Jaswal.

The Court below ought not to have adopted harsh and strict approach in dismissing the application but dealt the same pragmatically. The whole purpose is to decide the controversy on merits instead of laying focus on the application.

For the reasons mentioned above, impugned orders are hereby set aside and suit is restored to its original number. Revision petition stands allowed subject to costs of Rs.10,000/- which is a condition precedent.

(AMIT RAWAL)  
JUDGE

January 15, 2019  
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No