

In the High Court for the States of Punjab and Haryana at Chandigarh

**CR No. 8977 of 2017**  
**Date of Decision: May 02, 2019**

*Joginder Singh*

*... Petitioner*

*Versus*

*Sukhdev Singh and others*

*... Respondents*

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

Present: Mr. Lalit Kumar Yadav, Advocate,  
for the petitioner.

None for respondent No.1.

Mr. Anshul Gupta, Advocate,  
for respondents no.2 and 3.

**Amit Rawal, J. (Oral)**

Present revision petition is directed against the impugned order dated 28.07.2015 whereby the suit of the petitioner/plaintiff for declaration to be owner in possession of house, was dismissed in default. An application for restoration was filed on 24.10.2015 and after contest, the same has also been dismissed vide order dated 11.05.2017 (Annexure P/4).

In my view, Court below should not have adopted such a stringent approach in not restoring the suit. It is categorical assertion in the application of the petitioner/plaintiff that he acquired the knowledge of dismissal in default on 22.10.2015. The technicalities should not come in the way of the parties for adjudication of the suit on merits. However, in order to advance justice and prevent miscarriage of justice, I deem it appropriate to set aside the impugned orders, under challenge and the

application for restoration of the suit is allowed. The suit is ordered to be restored to its original number.

Resultantly, the present revision petition stands allowed, subject to the payment of costs of Rs. 5,000/-, which shall be condition precedent.

**May 02, 2019**  
vkd

**(Amit Rawal)**  
**Judge**

Whether speaking / reasoned : Yes

Whether reportable : No