

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

CR-3182-2019 (O&M)
Date of decision: 15.05.2019

Partap

...Petitioner

Versus

Bijender Singh Dagar and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. J.S. Rozera, Advocate
for the petitioner.

H.S. MADAAN, J. (Oral)

Under challenge in this revision petition are orders dated 03.04.2018 and 05.03.2019, passed by Addl. Civil Judge, Hodal, vide which, original suit No.536 of 15.06.2009, decided on 20.09.2014 has been ordered to be restored at its original number.

I have heard learned counsel for the petitioner besides going through the record.

The dispute between the parties had been settled in the Lok Adalat and the suit was dismissed as withdrawn in view of the statement made by plaintiff Bijender Singh Dagar along with counsel Sh. P.K. Aggarwal. But, subsequently, judgment debtor/respondent had not come forward to execute and get registered the sale deed in favour of the plaintiffs in view of the compromise dated 20.09.2014, rather, respondent No.1 had sold away the suit land to respondent Nos.2 & 3, vide registered

sale deed dated 01.10.2014. However, the sale deed in favour of plaintiffs qua 8 kanals of land as agreed upon between the parties in terms of compromise Ex. C1 was not executed. The plaintiffs approached the Court with a request for issuance of directions to respondents/JDs to execute and get registered the sale deed in favour of plaintiffs in terms of compromise dated 20.09.2014. Notice of that application was given to the respondents who did not put in appearance and were proceeded against ex parte and vide order dated 06.11.2015, the application filed by the plaintiffs/applicants was dismissed. The plaintiffs had challenged that order in this Court by way of filing a revision petition i.e. CR-6286-2016, but, the said revision petition was withdrawn by revisionist seeking liberty to file appropriate application for revival of suit before the trial Court. Order in that regard was passed on 31.07.2017. Thereafter, an application for revival/restoration of original suit was filed by the plaintiffs/applicants in the trial Court. The trial Court, vide order dated 03.04.2018, accepted the application, directing that the suit be restored at its original number and position. The case was fixed for ex parte evidence of the plaintiffs. Subsequently, defendant/respondent had appeared. After contest, application for revival/restoration of the original suit was allowed, observing that the suit of the plaintiff had already been restored at its original number and position but since after restoration of the suit on 03.04.2018, respondent/defendant was proceeded against ex parte, therefore, the case would again commence from the stage of plaintiffs evidence.

I find that there is no illegality or infirmity in the orders passed by the trial Court, much less apparent on the face of it, which might have called for interference by this Court while exercising revisional jurisdiction. There being no merit in the revision petition, the same stands dismissed.

15.05.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No