

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

CR-3721-2019 (O&M)
Date of decision: 30.05.2019

Lakha Singh and another

...Petitioners

Versus

M/s Super Dress House and others

...Respondents

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

Present: Mr. Mona Goyal, Advocate for the petitioners.

H.S. MADAAN, J. (Oral)

This revision petition is directed against the impugned order dated 08.04.2019, passed by Addl. Civil Judge (Sr. Divn.) Bathinda, vide which, he had allowed two applications filed by the plaintiff, first for condonation of delay and second for restoration of suit which was dismissed in default on 08.01.2018. The revisionists before this Court are the defendants in the civil suit.

I have gone through the impugned order which is quite detailed and well reasoned, passed in view of the factual and legal position. No fault can be found with the conclusion arrived at by the trial Court that the plaintiff was entitled to get the delay in filing of the application condoned and restoration of the suit, dismissed in default on 08.01.2018, more particularly, when it was at initial stage at the time of dismissal inasmuch as service of defendant Nos.3 & 5 was yet to be effected. It is always desirable to decide a *lis* on merits, rather than, non-

suiting a litigant on technical grounds. Here, the defendants/respondents are feeling aggrieved unnecessarily. In the suit, they would get an opportunity to present their view point by way of filing written statements and then cross examining the witnesses examined by the plaintiff and to lead evidence in support of their version.

There is no illegality or infirmity in the impugned order, which is certainly not perverse or arbitrary and it has not been passed in violation of settle legal principles of law. There is no error apparent on the face of it, which might have called for interference by this Court, while exercising revisional jurisdiction. Thus, finding no merit in the revision petition, the same stands dismissed.

30.05.2019

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(H.S. MADAAN)
JUDGE

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