

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

112

CR-4670-2019

Date of Decision : August 21, 2019

PARAMJEET KAUR AND OTHERS

.....Petitioners

VERSUS

BALVIR KAUR @ BALBIR KAUR AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. J.S.Cheema, Advocate
for the petitioners.

NIRMALJIT KAUR, J. (Oral)

Learned counsel for the petitioners while praying for setting-aside the order dated 5.2.2019 restoring the suit on its original number by recalling the order of dismissal in default submitted that the very suit is misconceived. The plaintiffs-respondents were not appearing as one Jaswinder Singh, who is the legal representative of the present plaintiff-respondent No.1 had earlier filed a suit for the same relief which was dismissed and the RSA is also pending in the High Court. He was purposely not appearing because he knows the fate of the case.

Be that as it may, the remedy for the rejection of the plaint or maintainability of the suit is available to the petitioners under the law. The present case being a simple case of restoration of the suit which was dismissed in default, this Court finds no ground to interfere in the order dated 5.2.2019.

Dismissed accordingly.

**(NIRMALJIT KAUR)
JUDGE**

August 21, 2019

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