

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

**CR No.4682 of 2019 (O&M)
Date of decision: 03.09.2019**

Smt. Kamlesh Rani (now deceased) through her husband

...Petitioner

Versus

Dharam Singh, Sarpanch and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Saigeeta Srivastava, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge is to the orders dated 14.05.2010 and 05.12.2014 (Annexures P-2 and P-4 respectively) passed by the Civil Judge (Junior Division), Kurukshetra, whereby suit filed by plaintiff-petitioner has been dismissed in default. Petitioner is further assailing the order dated 20.10.2018 (Annexure P-6) passed by the Additional Civil Judge (Senior Division), Kurukshetra, whereby application filed by plaintiff-petitioner under Order 9 Rule 9 read with Section 151 CPC for restoration of the suit, has been dismissed.

Heard. In the present case, suit filed by plaintiff-petitioner seeking relief of mandatory and permanent injunction was dismissed in default on 14.05.2010 (Annexure P-2). Thereafter, petitioner made an application for restoration of the suit, which was dismissed on 05.12.2014. She again filed an application for restoration of the suit, which was dismissed on

CPC to file a second application for restoration.

Since, no provision has been referred by learned counsel for the petitioner, where a second application for restoration can be filed, order dated 14.05.2010, whereby suit of the plaintiff-petitioner had been dismissed in default, has attained finality.

Since second application for restoration is not maintainable, the impugned orders have been rightly passed by the trial Court and no illegality, much less perversity, has been found therein warranting interference by this Court.

No merits.

Dismissed.

03.09.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No