

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

**CR No. 5997 of 2019
Date of decision: 23.09.2019**

Balbir Kaur

...Petitioner(s)

Versus

Raj Rani and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. M.S. Uppal, Advocate for the petitioner.

Ritu Bahri, J. (Oral).

The grievance of the petitioner is that vide impugned order dated 22.12.2016 (Annexure P-1), the suit of the plaintiff was dismissed in default observing that after availing 9 opportunities, no witness has been examined by the plaintiff nor her counsel has put in appearance.

After dismissal of the suit vide order dated 22.12.2016 (Annexure P-1), the plaintiff filed an application for restoration of the above suit which has been dismissed vide order dated 05.07.2019 (Annexure P-2) and hence, the present revision has been filed challenging the above said orders dated 22.12.2016 and 05.07.2019 (Annexures P-1 and P-2 respectively).

In para No. 5 of the impugned order dated 05.07.2019 (Annexure P-2), the first ground for dismissal of the application was that initially the prayer for restoration of the application was made rather restoration of suit. Since, the suit had been dismissed and there was no question for restoration of the application. Secondly, the affidavit filed alongwith application was of one Harmeet Singh S/o Sikanderpal Singh

whereas it has been signed by applicant Balbir Kaur. Thirdly, no application was made to pursue the suit on the basis of power of attorney.

On a specific query put, learned counsel for the petitioner says that after framing issues, 9 opportunities were taken for leading the evidence and that in itself cannot be made a ground for not restoring the suit. This argument is liable to be accepted.

Revision is allowed and orders dated 22.12.2016 and 05.07.2019 (Annexures P-1 and P-2 respectively) are set aside. For the fair decision of the suit, one effective opportunity is being granted to the plaintiff to conclude the evidence, subject to deposit of Rs.5,000/- with the District Legal Services Authority, Patiala.

23.09.2019
Divyanshi

(RITU BAHRI)
JUDGE