

111 CM-1475-CII-2020 in/and
RA-9-2020 in
CR-3864-2019

**PUNJAB STATE THROUGH DISTRICT COLLECTOR AND
ANOTHER VS AFCONS PAULING VENTURE AND OTHERS**

Present: Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

..

The present review application has been filed for reviewing the order dated 1.7.2019. The said order reproduced in the review application itself, reads as under:-

“This Court would probably have allowed the revision petition against the order dismissing the application for setting aside the order of dismissal in default, but for the fact that after the application for restoration was filed in the year 2013, the present petitioners did not lead any evidence for almost five years. Therefore, the entire intention appears to be only to delay the matter.

Dismissed accordingly.”

However, the review application has been filed on the ground that the civil revision was dismissed by observing that the present petitioner did not lead any evidence for almost five years but from the zimini orders, it is clear that the case was fixed for cross-examination of PW-1, Balwinder Singh and the defendants were proceeded *ex parte*. The zimini orders passed from 25.1.2009 to 31.10.2013 have been reproduced in the application to show the same. This Court perused all the zimini orders. It is evident from the zimini orders that the matter was fixed for producing the plaintiff witness to come present. The matter was adjourned almost 14 times for the plaintiff witnesses but no one was ever present except on two occasions on account of a request made by the learned counsel for the defendants. Thus, to file the review application on the ground that the Court

below should have decided the case of the petitioner on the basis of the evidence available on record, as no further evidence was required to be produced, is misleading, mischievous as also misconceived.

Moreover, the main suit was dismissed in default. Thereafter, application for setting aside the order of dismissal also had to be dismissed by the trial Court as the petitioner-plaintiff lead no evidence for almost five years. Thereafter, the present revision was dismissed in the presence of learned counsel for the petitioner-plaintiff. Still, the review application has been filed on the basis of the zimini orders which were available with them when the revision was decided on 1.7.2017. The argument as noted above is also against the record.

Dismissed accordingly with costs of ₹ 10,000/- to be deposited with the Punjab State Legal Services Authority.

**(NIRMALJIT KAUR)
JUDGE**

22.1.2020
sharmila