

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3635 of 2019 (O&M)

Date of Decision: 31.08.2022

Mangal Singh and Another

... Petitioner(s)

Versus

Parkash Chand and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Balram Singh, Advocate
for the petitioner(s).

Mr. A.S.Gill, Advocate
for the respondent No.1, 5, 7 to 9(b) to 9(f)
and 10 to 12.

Mr. Sandeep Chopra, Deputy Advocate General,
Punjab, for the respondent No.13 to 16.

Anil Kshetarpal, J.

1. Assailing the correctness of the concurrent orders passed by both the Courts below while dismissing their application under Order IX Rule 13 of the Code of Civil Procedure, 1908 (hereinafter referred to as “CPC”), the petitioners have come up in revision.

2. Both the Courts below have found that as many as 12 plaintiffs have filed a suit for permanent injunction for restraining the defendants from cancelling their ration cards. The petitioners, after being served with the notice from the Court, appeared through their respective learned counsel, who subsequently stopped appearing. The State, also, contested the suit.

The judgment and decree was passed on 01.10.2012.

3. The petitioners have filed an application under Order IX Rule 13 CPC claiming that one of the petitioners went abroad, whereas, another petitioner was ill. No explanation was given as to why their learned counsel did not appear in the Court. No evidence was led to prove that Sh.Gurbax Singh, one of the petitioners, was ill. Both the Courts below have taken a plausible view which does not require interference in exercise of revisional jurisdiction.

4. Keeping in view the aforesaid facts, the present revision petition is dismissed. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

August 31, 2022

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No