

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

CR No.2390 of 2022

Date of Decision: 04.07.2022

Yoginder

.....Petitioner

Versus

Smt. Kavita

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Iqbal Singh Saggu, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

Feeling aggrieved by the order dated 09.08.2021 (Annexure P-5) passed by learned Additional Civil Judge, Senior Division, Sohna, District Gurugram (for short 'the trial Court') as well as the judgment dated 09.05.2022 (Annexure P-7) handed down by learned District Judge, Gurugram, the revisionist-petitioner (here-in-after to be referred as 'the plaintiff') has preferred the present revision petition.

2. Bereft of unnecessary details, the facts culminating in the filing of the instant revision petition, are that the plaintiff filed a civil suit against the respondent (here-in-after to be referred as 'the defendant') for seeking a decree for specific performance of the agreement to sell, as claimed to have been executed in his favour in respect of the suit property. Vide order Annexure P-3, the above-said civil suit was dismissed in

default. The plaintiff moved application Annexure P-4 for seeking restoration of the said civil suit which has been dismissed by the trial Court vide order Annexure P-5 and the appeal preferred against the afore-said order has also ended in its dismissal vide judgment Annexure P-7.

3. I have heard learned counsel for the revisionist-petitioner (plaintiff) in this revision petition and have also perused the file carefully.

4. Learned counsel for the petitioner (plaintiff) contends that the plaintiff could not pursue the said civil suit because he suffered depression due to the death of his sister and father and therefore, the above-said civil suit deserves to be restored and to be heard and decided on merits.

5. However, the afore-raised contention is devoid of any merit because the said civil suit was dismissed in default on 06.10.2016 and application Annexure P-4 was moved by the plaintiff on 02.07.2021, i.e after about four years and nine months. Moreover, as specifically mentioned in the impugned order Annexures P-5 and judgment Annexure P-7, the sister of the plaintiff expired in May, 2018 and his father passed away on 04.11.2018, i.e much after the dismissal of the above-said suit on 06.10.2016. To add to it, the petitioner has not placed any document on the file to show that he suffered depression because of the said tragedies in his family and remained under any treatment for the same. In these circumstances, it is explicit that there was an inordinate delay on the part of the plaintiff in filing application Annexure P-4 which has not been plausibly explained by him. The said application was, thus, hopelessly time barred and has rightly been dismissed.

6. As a sequel to the foregoing discussion, it follows that the impugned order Annexure P-5 and judgment Annexure P-7, as passed by both the Courts below, do not suffer from any illegality, irregularity, infirmity or perversity so as to call for any interference by this Court.

7. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

July 04, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*