

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

CR No. 4851 of 2022

Date of decision: 09.02.2023

Sham Lal

..... Petitioner.

Versus

Jaswant Singh (deceased) through legal heirs

.... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Arun Singla, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 02.09.2022 (Annexure P-8) passed by the District Judge, Fazilka, whereby his appeal against the order of the trial Court dismissing his application for restoration of the application filed for restoration of the suit has been dismissed.

Learned counsel for the petitioner submits that the application for restoration of the suit ought to have been allowed and the suit should be heard and decided on merits.

Heard.

The petitioner had filed a suit for specific performance of the agreement entered into with the respondent on 24.08.1992. The suit was dismissed in default on 09.08.2008. An application for restoration of the suit was filed, but the same was also dismissed in default on 21.07.2017. He preferred another application on 06.09.2017 for restoration of the application, which has been dismissed by the order dated 31.08.2022 (Annexure P-6).

The application for restoration of the suit had also been dismissed in default.

It is manifest that the petitioner has not been diligent in pursuing the litigation initiated by him. The suit is for specific performance of the agreement to sell which was entered into with the respondent on 24.08.1992 and over 30 years have passed since then. In view of the casual approach adopted by the petitioner in pursuing the litigation, I do not find any infirmity in the impugned order dismissing his appeal for restoration of the application for restoration of the suit.

Consequently, the petition stands dismissed.

09.02.2023
Ramesh

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No