

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 178 of 2024

Date of Decision: 12.01.2024

Jagmail Singh and Another
... Petitioner(s)

Versus

Mohinder Singh and Others
... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Rahul Soi, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

- 1 The default committed by the petitioners in depositing the amount of the local proclamation fee for the issuance of notice to the legal representatives of the defendant No.3 has resulted in the dismissal of their suit for the recovery of ₹34,00,000/- for non-prosecution. The Court has noticed that despite three opportunities, the appellants' counsel did not take the appropriate steps.
2. The learned counsel representing the petitioners submits that the aforesaid default happened on account of the communication gap and he undertakes that he will take dasti summons of the legal representatives of the defendant No.3 and serve it upon them if one opportunity is granted.
3. Though the trial Court was justified in dismissing the suit for non-prosecution as the petitioners failed to deposit the local proclamation fee, however, the petitioners are serious in pressing their suit as they have already paid ₹83,000/- as the court fee while filing the suit.

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4. Keeping in view the aforesaid facts, the impugned order is set aside. The plaintiffs are permitted to serve the legal representatives of the defendant No.3 by taking dasti notices.
5. With the observations made above, the present revision petition is allowed.
6. This order has been passed without issuance of notice to the respondents. However, they shall have the liberty to file an application for recall, if felt aggrieved.

(Anil Kshetarpal)
Judge

January 12, 2024
“DK”

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