



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Revision No. 4380 of 2024 (O&M)
Date of Decision: 05.08.2024

Surjan Singh (now deceased) through his
LR-Ravinder Singh

..... Petitioner

Versus

Jagpal Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. G.S. Brar, Advocate
for the petitioner-plaintiff.

HARKESH MANUJA, J. (ORAL)

The petitioner-plaintiff, by way of present revision petition filed under Article 227 of the Constitution of India, seeks issuance of directions to learned Civil Judge (Senior Division), Malerkotla, District Sangrur, (hereinafter to be called as “trial Court”), for deciding his application bearing *CMA No. 27 of 2019* in *Civil Suit No. 493 of 2006*, titled “*Surjan Singh Versus Jagpal Singh*”, seeking restoration of civil suit filed for possession by way of specific performance.

[2] The case set up by the petitioner is that he filed a civil suit for possession by way of specific performance alongwith six other persons against the respondent-defendant (Jagpal Singh), wherein the issues were framed by the trial Court on 22.05.2006 (**Annexure P-2**). Upon conclusion of the evidence of petitioner-plaintiff, when the case was fixed for defendant’s evidence, the aforesaid suit was dismissed in default alongwith

consolidated cases, the lead case of which was ***Civil Suit No. 2494 of 2013***, titled ***“Darbara Singh Versus Jaspal Singh”***, vide order dated 17.01.2019 (Annexure P-3) passed by the trial Court.

[3] Soon thereafter, the petitioner-plaintiff moved an application on 18.01.2019 bearing CMA No. 27 of 2019 for restoration of his suit, which was instituted on 23.01.2019. Upon notice of the application, the respondent-defendant appeared and filed reply to the said application, and thereafter the trial Court framed the issues, while the evidence of petitioner-plaintiff stands completed and the case was fixed for defence evidence, however, the said application seeking restoration of the main suit is still pending. Hence, the present revision petition.

[4] Learned counsel for the petitioner submits that once, the application seeking restoration of the main suit stands moved within 30 days from the date of dismissal of the suit, there is no requirement of framing of issues as well as recording evidence, thus, the limited prayer in the present petition is for deciding the aforesaid application i.e. CMA No. 27 of 2019 in Civil Suit No. 493 of 2006.

[5] I have heard learned counsel for the petitioner and considered the submissions made on behalf of the petitioner.

[6] Considering the fact that the suit for possession by way of specific performance, filed at the instance of petitioner-plaintiff, got dismissed in default on 17.01.2019, whereas the application seeking its restoration (supra) was immediately instituted on 23.01.2019, it is incomprehensible for this Court to understand as to why the issues were framed in such application and the parties were made to lead evidence in

support thereof.

In such circumstances, this Court is constrained to direct the trial Court to dispose off the application, filed at the instance of petitioner-plaintiff, seeking restoration of the suit on the date fixed i.e. 12.08.2024 as the adjudication thereof has already taken more than 5½ years by now.

[7] **Disposed off** accordingly.

[8] Keeping in view the nature of proceedings, the present petition is being decided without issuing notice to the respondents, lest it may delay the progress of application instituted at the instance of petitioner-plaintiff and may also burden them with unnecessary costs towards litigation expenses.

August 05, 2024
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(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>