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

CR-249-2024 (O&M)

Date of Decision : 28.10.2025

Rampat

... Petitioner(s)

Versus

Shri Om & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sushil Jain, Advocate for the petitioner.

None for the respondents despite service.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 27.09.2022 (Annexure P-13) whereby the civil suit filed by the plaintiff-petitioner was dismissed in default and the order dated 28.07.2023 (Annexure P-15) whereby the application for restoration was also dismissed.
2. Learned counsel for the plaintiff-petitioner would contend that the case was fixed for *ex parte* evidence as none had been appearing on behalf of the defendant-respondents and that on one date i.e. 27.09.2022 none appeared on behalf of the plaintiff-petitioner and the suit was dismissed in default. It is further the contention of the learned counsel that the absence on 27.09.2022 was not intentional and was due to noting of a wrong date. Learned counsel has further pointed out that the application for restoration of the suit was filed on 18.10.2022 i.e. within less than a month of the passing of the order dated 27.09.2022.

3. Notice of motion in the present case was issued on 16.01.2024. However, none has put in appearance on behalf of the respondents despite service. Accordingly, they are proceeded against *ex parte*.

4. The prayer in the present case is for restoration of the suit to its original number which was dismissed in default on 27.09.2022. Learned counsel for the plaintiff-petitioner has contended that the absence was not intentional and was due to noting of a wrong date. Learned counsel has pointed out that on all previous dates the counsel for the plaintiff-petitioner was present, though he candidly admits that the plaintiff-petitioner has been remiss in not leading the evidence despite 11 opportunities. At this stage, learned counsel for the plaintiff-petitioners assures the Court that in case the suit is restored to its original number and he is given three effective opportunities, the plaintiff-petitioner would conclude his evidence.

5. In view of the above and in order to impart complete justice, this Court deems it appropriate to set aside the impugned orders dated 27.09.2022 (Annexure P-13) and 28.07.2023 (Annexure P-15) and restore the suit to its original number. The Trial Court shall proceed with the suit after issuance of notices to the defendant-respondents, in accordance with law. As noticed above, the learned counsel for the plaintiff-petitioner has assured that the plaintiff-petitioner would not delay the proceedings and complete his evidence within three effective opportunities. The present revision petition is allowed subject to payment of ₹30,000/- as costs to be deposited in the Flood Response and Relief Operations-2025, HALSA (SBI, SPL PBB, Sector-14, Panchkula, Account No.44446183921, IFSC Code No.SBIN0004172 and UPI ID – floodreliefharyana@sbi). The payment of costs shall be a condition precedent.

6.
- It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.
7.
- Pending applications, if any, also stand disposed off.

28.10.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO