



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

CR-4349-2024

Date of decision : 25.03.2025

Surinder Pal

...Petitioner

Vs.

Hans Raj

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rahul Garg, Advocate
for the petitioner.

None for the respondent.

ANIL KSHETARPAL, J. (Oral)

1. The respondent remains unrepresented despite receipt of notice.
2. The petitioner herein filed a suit for grant of decree of declaration that he, after the death of his father, is owner in possession of 06 marlas plot comprised in Khasra No. 161/1 and 162 with a consequential relief of permanent injunction.
3. The suit was dismissed for non-prosecution on 09.12.2019. The petitioner filed an application on 19.05.2022 for restoration, which has been dismissed by the Court on the ground that the application has been filed after a period of 02 years and 05 months.
4. Learned counsel representing the petitioner contends that period from May 2020 to May 2022 shall be excluded while determining the limitation period in view of the general order passed by the Supreme Court due to COVID Pandemic. He submits that the delay was only about 03 months and



the petitioner being a daily-wager and due to communication gap between the petitioner and his counsel, did not come to know of the progress of the case.

5. Though, the application filed by the petitioner (plaintiff) is not proper and has lacunae, however, the Court is required to take a pragmatic view of the matter. The plaintiff claims to be a daily-wager. He has filed a suit with regard to immovable property. If the suit is not restored, the plaintiff shall stand deprived of an opportunity to get his rights adjudicated with respect to immovable property because when the suit was dismissed in default, the defendant was represented. Hence, his fresh suit is not maintainable.

6. Consequently, the order passed by the trial Court on 05.04.2024, is set aside and the suit filed by the plaintiff is restored to its original number.

7. With these observations, the revision petition is allowed.

25.03.2025

neeraj

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No