



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CR-4936-2022 (O&M)
Date of Decision:-2.8.2025

M/s HST & Sons Builders (P) Ltd. ... Petitioner
Versus
Union of India represented by Chief Engineer (Air Force), Udhampur
... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harikrishen Singh Tuli, in person.

Mr. Arun Gosain, Senior Standing Counsel with
Mr. Shobit Phutela, Senior Panel Counsel,
(*through video conferencing*)
for the respondent- Union of India.

Mr. Manish Jain, Advocate as Amicus Curiae.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 15.9.2022 (Annexure P-18) passed by learned Civil Judge (Junior Division), Chandigarh vide which his restoration application has been dismissed.
2. Mr. Harikrishen Singh Tuli, who has been pursuing the cases on behalf of petitioner submitted that while his main application was dismissed on 29.1.2020 for non-prosecution, he had moved restoration application on the very next day i.e. on 30.1.2020 and that the learned Court without appreciating the grounds for restoration in the correct prospective proceeded to dismiss the application while making certain observations, which are not borne out from the record.



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3. Having heard Mr. Harikrishen Singh Tuli and while having regard to the fact that the matter has been hanging fire since the last about three decades and that the applicant is presently aged about 87 years, a lenient view is warranted and consequently, the instant petition is allowed and impugned order dated 15.9.2022 (Annexure P-18) passed by learned Civil Judge (Junior Division), Chandigarh, whereby the application dated 30.1.2020 had been dismissed for non-prosecution, is set aside. The said application for appointment of the Arbitrator is ordered to be restored. The Court concerned shall proceed with the matter expeditiously in accordance with law.

2.8.2025

Pankaj

(Gurvinder Singh Gill)
Judge

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