

*CR-72-2025 (O&M)**-1-*

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

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Date of decision: 13.01.2025

Dr. Bhagirath

... Petitioner

Vs.

Sanjay and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ramanieet Singh, Advocate
for the petitioner.

SUVIR SEHGAL J.

1. Petitioner/defendant No.3 has approached this Court assailing order dated 20.07.2024 passed by learned Civil Judge (Junior Division), Ludhiana, whereby his request for framing issues on an application for restoration filed by respondent No. 1/plaintiff has been dismissed.

2. The sole ground set up in the revision petition is that the trial Court was bound to frame issues on the application for restoration of the civil suit moved by respondent No.1.

3. Having heard counsel for the petitioner, this Court is of the view that revision petition deserves to be dismissed.



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4. Order 9 Rule 4 of the Code of Civil Procedure, as applicable to the State of Punjab, provides thus :-

"4. Plaintiff may bring fresh suit or Court may restore suit to file.

(1) Where a suit is dismissed under rule 2 or rule 3, the plaintiff may (subject to the law of limitation) bring a fresh suit; or he may apply for an order to set the dismissal aside, and if he satisfies the Court that there was sufficient cause for such failure as is referred to in rule 2, or for his non-appearance, as the case may be, the Court shall make an order setting aside the dismissal and shall appoint a day for proceeding with the suit.

(2) The provisions of Section 5 of Limitation Act, 1908 (9 of 1980), shall apply to applications under this rule".

5. In an application filed under this provision, if moved within the prescribed period of limitation, applicant has to show a sufficient cause to the satisfaction of the Court for his non-appearance on the fixed day. If the application gives a reason which to the satisfaction of the Court is adequate, the Court can proceed to decide the application on the basis of the avernments made therein without framing issues and calling the parties to lead evidence. There is no obligation on the Court to frame issues to determine whether the suit deserves to be restored. Impugned order does not suffer from any error and no interference is called for.



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- 6. Petition is devoid of merits and is dismissed.
- 7. As the main petition has been decided, all pending applications shall stand disposed of.

13.01.2025
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No