

2026:PHHC:036387



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

CR-2258-2026

Date of Decision: 10.03.2026

MOHAMMAD SHAHID

....Petitioner

Versus

MALERKOTLA TRUCK OPERATORS UNION
AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Imran Farooqi, Advocate
for the petitioner.

Parmod Goyal, J. (Oral)

The present revision has been preferred by petitioner under Article 227 of the Constitution of India being aggrieved by impugned order dated 01.10.2025 (Annexure P-4), passed by learned Civil Judge (Senior Division), Malerkotla vide which his suit for mandatory and permanent injunction was dismissed in default.

2. Suit of petitioner/plaintiff for mandatory and permanent injunction was pending in the Court of learned Civil Judge (Senior Division), Malerkotla and on 10.08.2023 suit was dismissed in default on account of non-appearance of petitioner/plaintiff or his counsel. Immediately an application for restoration was made. Vide order dated 18.08.2025 suit was restored subject to payment of cost of Rs.1,000/- and matter was fixed for 01.10.2025. However on 01.10.2025 again none appeared for petitioner/plaintiff and suit was again dismissed in default.

3. Learned counsel for petitioner/plaintiff submits that the result of restoration application of petitioner/plaintiff was not communicated by his counsel and counsel could not appear on 01.10.2025 as he remained busy in another Court. It is accordingly prayed that suit be restored back to its original number and petitioner/plaintiff be exempted from payment of cost of Rs.1,000/-.

4. On consideration, I find that present is a case where petitioner/plaintiff ought to have been careful and should have taken all the steps to make the payment of Rs.1,000/- towards cost and appeared either in person or through his counsel. Suit is pending since 2019 and is still at initial stage. It is fixed for consideration on application moved by petitioner/plaintiff for interim injunction.

5. Keeping in view all the facts noted above, it would be appropriate to give another opportunity to petitioner/plaintiff to pursue his case on merits as respondents/defendants can very well be compensated by heavy costs. Accordingly, revision petition is allowed, subject to cost of Rs.50,000/-. Rs.25,000/- be paid to respondents/defendants and remaining Rs.25,000/- be paid to Indian Red Cross Society, Branch UT Chandigarh, A/c No.44938097476, IFSC Code SBIN0010603, State Bank of India, New Haryana Secretariat, Sector-17, Chandigarh (upi id = 06280730090@sbi) before 25.03.2026.

6. The matter shall be restored to its original number and shall be taken up by learned Trial Court on 25.03.2026 on showing receipt of payment of costs. Notice to respondents/defendants for appearance shall be issued thereafter accordingly.

7. Pending application(s), if any, is/are disposed of accordingly.

10.03.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

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