



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Date of decision: 18.05.2026

1. CR-3091-2026

SATBIR SINGH

....Petitioner

Versus

PIRTHI AND OTHERS

...Respondents

2. CR-3130-2026

SATBIR SINGH

....Petitioner

Versus

MANOJ AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Rajinder Goyal, Advocate and
Mr. Yagsimant Attri, Advocate for the petitioner(s).

YASHVIR SINGH RATHOR. J.(Oral)

1. This order shall dispose of above noted two petitions as the same have emanated out of the same suit.

2. These revision petitions are directed against the order dated 05.01.2026, vide which the applications moved by the petitioner for restoration of the applications under Order 1 Rule 10 CPC and Order 1 Rule 8(3) CPC, which had been dismissed in default, were also dismissed.



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3. I have heard learned counsel for the petitioner and have gone through the material place on the file.

4. In view of the nature of the order proposed to be passed, issuance of notice to the respondents is dispensed with, as it would only delay the proceedings and cause unnecessary expenditure to the respondents.

5. A perusal of the record shows that petitioner had moved applications under Order 1 Rule 10 CPC (in CR-3130-2026) and under Order 1 Rule 8(3) CPC (in CR-3091-2026) to defend the suit in a representative capacity. The said applications were dismissed in default on 25.08.2025 on account of non-appearance of the counsel representing the petitioner. Thereafter, applications for restoration were moved on 09.09.2025, which have been rejected with the observations that the applications had been moved after an inordinate delay and that the provision contained in Order 9 Rule 9 CPC is not applicable for restoration of an application which has been dismissed in default.

6. However, the approach of the trial Court while dismissing the applications is erroneous. The applications were dismissed in default on 25.08.2025 and the applications for restoration were moved within 16 days i.e. on 09.09.2025 and as such, the same had been moved well within time. In addition to this, it has been held in *Law Finder Doc ID # 67218*, titled ***Bhajan Singh Vs. Ganeshi Devi*** and *Law Finder Doc ID # 2659582*, titled ***Ram Chander and Anr. Vs. State of Haryana and Ors.*** that an application for restoration of the application dismissed in default is maintainable under Order 9 Rule 9 CPC. Even otherwise, it is well settled that every party should be given an opportunity to get the lis. decided on merits instead of dismissing the same in default. Therefore, the



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impugned orders dated 05.01.2026 suffer from manifest error and material irregularities and accordingly, the present revision petitions are allowed and the impugned orders are set aside. The applications for restoration of the applications under Order 1 Rule 10 CPC and Order 1 Rule 8(3) CPC are allowed and the applications are restored and the learned trial Court is directed to decide the same in accordance with law.

- 8. Pending application, if any, shall stand dispose of.
- 9. A photocopy of this order be placed on the file of connected case.

18.05.2026
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

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