

2026:PHHC:009714



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

**CR-4639-2022 (O&M)
Decided on:-22.01.2026**

Maya Devi (now deceased) thr. her LRsPetitioner..

vs.

Laxmi Devi and othersRespondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vrishank Suri, Advocate for the petitioner.

Mr R.S. Mamli, Advocate for the respondents.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition, challenge has been laid to orders dated 20.08.2015 (Annexure P-3) and 24.11.2017 (Annexure P-6) passed by the Court of learned Civil Judge (Junior Division), Ambala along with assailing the validity of order dated 01.08.2022 (Annexure P-8) passed by the learned Additional District Judge, Ambala, whereby the suit for possession as well as permanent injunction, preferred at the instance of predecessor-in-interest of the petitioner was dismissed in default followed by rejection of the application for restoration as well as the appeal preferred against it.

2. I have heard learned counsel for the parties and gone through the paper book.

3. A perusal of record shows that the suit for possession and permanent injunction filed on behalf of the predecessor-in-interest of the

petitioner-plaintiff was ordered to be dismissed in default under Order 9 Rule 8 CPC on account of non-appearance on behalf of the plaintiff before the learned Trial Court on 20.08.2015. Aggrieved thereof, an application for restoration of the suit was filed on 05.10.2015, however, the same was rejected by the learned trial Court on 24.11.2017. The said order was assailed by the petitioner having preferred a miscellaneous appeal which was dismissed by the Court of learned Additional District Judge, Ambala vide its order dated 01.08.2022.

4. In the given facts and circumstances, considering that the rights of the parties ought to be decided on merits, rather than being defeated by technicalities, once the application for restoration of the suit was filed soon after its dismissal in default and especially in view of the reasonable explanation furnished for non-appearance on the date fixed i.e. 20.08.2015, the Courts below were required to take a pragmatic view by restoring the suit to its original number rather than adopting a hyper-technical approach.

5. In such circumstances, the impugned orders are hereby set aside. The revision petition is allowed. Accordingly, Civil Suit titled as ***“Maya devi vs. Lakshmi Devi and others”*** is ordered to be restored to its original number, however, subject to payment of costs of Rs.20,000/- to be paid by the petitioner to the respondents-defendants before the learned Trial Court.

The parties to appear before the learned Trial Court on 24.02.2026.

6. Pending applications, if any, also stand disposed of.

22.01.2026

(HARKESH MANUJA)

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