



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

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**RSA-5074-2019 (O&M)
Date of decision : 13.02.2026**

Mohan Lal

..... Appellant

versus

UHBVNL and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ketan Antil, Advocate
for the appellant.

Mr. Subhash Saini, Advocate for
Mr. R.S. Longia, Advocate
for the respondents.

PANKAJ JAIN, J. (Oral)

1. Plaintiff is in second appeal.
2. Plaintiff filed suit seeking declaration with the consequential relief of permanent injunction challenging demand of Rs.1,35,118/- charged under the head of sundry charges. The suit filed by the plaintiff stands dismissed by the Court of First Instance invoking Order XVII Rule 3 CPC.
3. The judgment passed by the Court of First Instance stands affirmed by the Lower Appellate Court. Appellant has relied upon medical record as per which he remained bedridden from April 2019 and thereafter was hospitalized from 30.07.2019 onwards. The suit was dismissed invoking order XVII Rule 3 CPC on 31.07.2019. Counsel submits that despite the fact that the medical record was placed before Lower Appellate Court along with the grounds of appeal which shows that the appellant was hospitalized on 30.07.2019, the Court dismissed the appeal filed by the appellant.



4. *Per contra*, counsel for the respondents submits that despite repeated opportunities, the plaintiff having failed to lead any evidence, the Courts below rightly dismissed the suit invoking Order XVII Rule 3 CPC.
5. Having heard counsel for the parties and after carefully perusing of the records of the case, this Court finds that though no fault can be found with the Courts below invoking Order XVII Rule 3 CPC, but trite it is that the rule of procedure are handmade to advance interest of justice.
6. In the present case, the plaintiff proved that he was suffering from ailment from April 2019 onwards, which finally led to his hospitalization on 30.07.2019. In these circumstances, the dismissal of suit invoking Order XVII Rule 3 CPC on 31.07.2019 cannot be sustained.
7. In view of above, the judgment and decree passed by Courts below are hereby set aside. Plaintiff is granted two opportunities to lead evidence. Thereafter, defendants shall get three opportunities to rebut the same and the suit shall be decided by the Trial Court expeditiously in accordance with law.
8. The party shall appear before the Civil Judge (Senior Division) Sonapat on 10.03.2026.
9. Disposed off, accordingly.
10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

13.02.2026

Dinesh

Whether speaking/reasoned :
Whether Reportable :

Yes
No