



CR-6282-2025 (O&M)

-1-

135

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARHCR-6282-2025 (O&M)
Date of Decision: 12.03.2026

Hari Om @ Hari Om Sharma

.....Petitioner

Vs.

Mukesh Kumar and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMAPresent : Mr. Mukesh Kumar Verma, Advocate,
for the petitioner.Mr. Ashish Yadav, Advocate,
for the respondents.

SUDEEPTI SHARMA J. (ORAL)

1. The present petition has been filed for setting aside order dated 29.05.2025 passed by learned Civil Judge (Junior Division), Rewari, whereby the application filed by the petitioner for recalling of restoration order dated 06.02.2025 was dismissed.

2. Learned counsel for the petitioner contends that application filed by the petitioner was wrongly dismissed ignoring the mandatory provision of Order IX Rule 9(2) CPC, whereby notice is required to be given to the respondents in case the suit which was dismissed in default is to be restored.

3. *Per contra*, learned counsel for the respondents contends that learned Civil Judge (Junior Division), Rewari, has rightly allowed the



application filed by the respondents for restoration of the suit, which was dismissed in default.

4. I have heard learned counsel for the parties and perused the case file with their able assistance.

5. A perusal of the file shows that the civil suit filed by the respondents was dismissed in default not because of any mistake on the part of the respondents but due to inadvertent mistake committed by the Reader of the Court. A perusal of the zimini order dated 06.02.2025 shows that application under Order IX Rule 4 CPC was filed by the respondents, wherein it was submitted that the suit was inadvertently dismissed on the previous date despite the applicants being present in Court. It has been specifically observed by learned Civil Judge (Junior Division), Rewari, that due to inadvertent error and the heavy workload, the presence was not marked by the Court Reader. Therefore, I do not find any infirmity in the order dated 29.05.2025 passed by learned Civil Judge (Junior Division), Rewari. So far as the contention of learned counsel for the petitioner with regard to mandate of issuance of notice under Order IX Rule 9(2) CPC is concerned, the same would not be applicable in the case of the respondents since it is applicable in cases of non-appearance of the parties, whereas, the present case is admittedly one where learned counsel for the respondents was very much present in Court and due to mistake on the part of the Court Reader, his presence could not be marked.



CR-6282-2025 (O&M)

-3-

6. In view of the above, present petition is **dismissed**.
7. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

12.03.2026
Virender

Whether speaking/non-speaking : Yes
Whether reportable : Yes/No