



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

CR-1240 of 2025 (O&M)
Date of decision : March 19, 2025

Pushpa (since deceased) through her L.Rs

..... Petitioners

Versus

Balwinder Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA

Present : Mr. Rahul Gautam, Advocate
for the petitioners.

1. Against dismissal of her suit, plaintiff (petitioner herein) had filed Civil Appeal No.199 of 2015 before the learned Additional District Judge, Fatehabad. The said appeal was dismissed in default on 07.02.2020 as per order Annexure P-4. The application for restoration was moved on 11.02.2020 (Annexure P-5) and the said application was dismissed by way of the impugned order dated 03.01.2025 which has been assailed by the petitioner before this Court. The impugned order dated 03.01.2025 reads as under:-

"Notice to respondents not issued as copies of application has not been filed by the applicant.

A perusal of the record would reflect that for the last several dates, notice of the application could not be issued for want of copies of application to be submitted by the applicant. In fact, for the last more than ten dates, process could not be issued for want of submission of copies of application by the applicant. Adjournment for the same purpose again does not appear to be justified. It appears that the applicant is not interested in pursuing

further the present application. Therefore, the present application is hereby dismissed for want of prosecution. Papers along with the main file be consigned to the record room after due compliance.

2. Learned counsel for the petitioner conceded the fact that there was lapse on the part of the petitioner i.e. appellant before the appellate court but he requests for only one opportunity to do the needful so as to file requisite process fee and copy of the grounds of appeal so that her appeal can be heard on merits.

3. Although considering the conduct of the petitioner, who did avail more than 10 opportunities in submitting copy of the application etc., the petitioner does not deserve any relief but considering the fact that appeal should be considered on merits and should not be dismissed on technicalities, this Court allows one more opportunity to the petitioner to do the needful by submitting necessary requisite court fee, copy of the application and any other document required for sending notice to the other party. As such, the impugned order dated 03.01.2025 is hereby set aside. The concerned appellate court is directed to provide one opportunity to the applicant-petitioner to do the needful. However it is subject to payment of cost of Rs.25,000/- to be deposited by petitioner with the District Legal Services Authority, Fatehabad.

4. The revision petition is disposed of accordingly.

**(DEEPAK GUPTA)
JUDGE**

March 19, 2025

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Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No