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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-6963-2019(O&M)
Date of decision:-20.03.2025

Gurjeet Kaur

...Petitioner

Versus

Gram Panchayat village Alladadpur and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr. L.S. Mann, Advocate
for the petitioner.

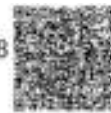
Mr. Harkirat Singh Sandhu, Advocate
for respondent No.1.

SUVIR SEHGAL, J.(ORAL)

1. At the outset counsel for the parties state that “defendant No.1” in the last sentence of the first paragraph of the impugned order has to be read as “defendant No.2.”

2. Petitioner/plaintiff has approached this Court by way of present revision petition assailing order dated 15.11.2018, Annexure P2, whereby the Trial Court has dismissed the suit qua respondent No.2/defendant No.2 under Order 9 Rule 2 CPC as well as order dated 06.08.2019, Annexure P4, by which, an application for restoration of the suit against the said defendant had also been dismissed.

3. Counsel for the petitioner/plaintiff urges that due to an

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oversight, registered cover and copy of the plaint could not be supplied for the service of respondent No.2 and the Trial Court has taken a harsh view while dismissing the suit qua respondent No.2. He submits that an opportunity be granted to the petitioner to rectify the mistake.

4. Petition has been opposed by counsel for the respondent No.1, who has supported the impugned orders.

5. I have heard counsel for the parties and considered their respective submissions.

6. Petitioner/plaintiff filed a suit for declaration to the effect that the revenue entries regarding the cremation ground are wrong and the same are liable to be corrected. She also sought permanent injunction restraining the defendants or their agents from making any construction or taking any advantage on the basis of the wrong revenue entries. Upon being served, suit is being contested by defendant No.1. However, due to the non-furnishing of registered cover as well as copy of the plaint, Trial Court vide impugned order, Annexure P2, dismissed the suit qua defendant No.2 while observing that the plaintiff has availed as many as thirteen opportunities to file the copy of the plaint.

7. Sole ground given by the plaintiff is that she was not aware of the dismissal of the suit qua defendant No.2 and was informed about this development after she engaged a new counsel. The reason given by the plaintiff is not justifiable as it is the duty of the litigant to vigilantly pursue the matter before the Courts. A party cannot blame his counsel in case of any lapse. However, in case an opportunity is not granted to the plaintiff to effect service upon defendant No.2, her cause is likely to be



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adversely effected. This Court is of the view that one opportunity should be given to her.

8. Accordingly, impugned orders, Annexures P2 and P4 are set aside. Petitioner is afforded with an opportunity to furnish the registered cover as well as copy of the plaint to the Trial Court within a fortnight from today. This will be subject to deposit of Rs.10,000/- with Day Care Centre for Elderly Disabled in home for Old & Destitute People, Sector 15, Chandigarh, Account No.0537010195737, IFSC Code:- PUNB0008700. The deposit of cost shall be a condition precedent to the grant of opportunity.

9. Petition is disposed off.

(SUVIR SEHGAL)
JUDGE

20.03.2005

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No