

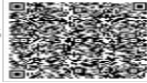
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****132****CR-671-2025 (O&M)****Date of decision: 03.02.2025****Alim and others****...Petitioner(s)****Vs.****Lalit Kumar and another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Ashish Gupta, Advocate for the petitioners.

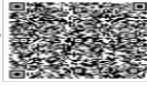
**\*\*\*****NIDHI GUPTA, J.**

The petitioners have filed the present revision petition under Article 227 of the Constitution of India for setting aside the impugned order dated 20.09.2024 (Annexure P-6) passed by learned District Judge, Nuh whereby the application CM-22-2020 for restoration of the CM-753-2018 has been dismissed on the ground of non deposit of Rs.30,000/- as costs to be paid by the petitioners to the respondent No.1.

2. Learned counsel for the petitioners submits that grave prejudice and injustice will be caused to the petitioners in case the impugned order dated 20.09.2024 (Annexure P-6) is not set aside whereby the application CM-22-2020 for restoration of the CM-753-2018 has been dismissed on the ground of non deposit of Rs.30,000/- as costs by the petitioners to be paid to the respondent No.1. It is accordingly prayed that the impugned order be set aside subject to payment of reasonable costs.



3. No other argument is raised on behalf of the petitioners.
4. I have heard learned counsel for the petitioners and perused the case file in great detail.
5. Brief facts of the case are that the petitioners had filed a suit seeking decree for declaration with consequential relief of joint possession which was dismissed by the learned trial Court vide judgment and decree dated 14.02.2018 (Annexure P-1). The petitioners had challenged the said judgment and decree before the learned District Judge Nuh vide Civil Appeal bearing CIS No. CA-67-2018 titled as '***Alim vs. Lalit Kumar and another***'; which was dismissed in default on 07.12.2018. The petitioners filed an application bearing No. CM-753-2018 seeking restoration of the said appeal. However, even the application CM-753-2018 was dismissed in default by the learned District Judge, Nuh vide order dated 06.12.2019. Thereafter, the petitioners filed the present application i.e. CM-22-2020 on 15.01.2020 for restoration of their application CM-753-2018; which was allowed in the interest of justice vide order dated 28.08.2024 (Annexure P-5) however, subject to payment of Rs.30,000/- as costs to be paid by the petitioners to respondent No.1 on the next date of hearing. The learned District Judge, Nuh in order dated 28.08.2024 had also made it clear that "*if applicants do not deposit the cost on the next date of hearing, their application shall be deemed to have been dismissed. Now to come up on 20.09.2024 for deposit of cost.*"
6. Despite the above, the petitioners again failed to appear before the learned Court below on the next date of hearing i.e. on



20.09.2024, whereupon the impugned order came to be passed, as follows:-

*“Case called several times since morning but none has appeared on behalf of applicants-appellants. It is already 02.15 p.m.*

*On the last date of hearing, this application for restoration of another application filed by the applicants for restoration of main appeal was allowed, subject to costs of Rs.30,000/- and it was made clear that if the applicants do not deposit the costs on the next date of hearing their application shall be deemed to have been dismissed.*

*Today none has appeared on behalf of applicants, despite repeated calls. Therefore, the application is dismissed. File of previous application, main appeal and Trial Court record be sent back to the record room. This file be consigned to record room after due compliance.”*

7. Now the present revision petition has been filed seeking restoration of the CM-753-2018 for restoration of the Civil Appeal.

8. However, this Court is not convinced to grant the prayer made by the petitioners. A bare reading of the above facts shows that the petitioners have exhibited an utterly casual and derelict attitude in their pursuit of the present litigation. No ground, let alone any cogent ground has been cited before this Court as to why the impugned order dated 20.09.2024 (Annexure P-6) should be set aside. It is to be appreciated that very valuable public time of all the Courts has been expended in affording opportunities to the petitioners in the interest of justice. On the other



hand, the petitioners have adopted an utterly casual and careless approach deigning to put in appearance as per their own whims and fancies.

9. Hence, no ground is made out to interfere in the impugned order. Accordingly, the present civil revision petition is hereby **dismissed**.

10. Pending application, if any, stands disposed of.

**03.02.2025**

Divyanshi

**(NIDHI GUPTA)  
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No