



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

**Civil Revision No. 2914 of 2024 (O&M)
Date of Decision: 09.09.2025**

Naveen Rana and another

..... Petitioners

Versus

Dharambir and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Lalit Yadav, Advocate and
Mr. Rohan Moudgil, Advocate
for the petitioners-plaintiff Nos. 1 & 2.

Mr. R.S. Mamli, Advocate and
Mr. Satish Sharma, Advocate
for the respondents.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been laid to the orders dated 16.11.2022 & 20.01.2024 passed by the Courts below whereby an application seeking restoration of the civil suit for declaration and permanent injunction, filed at the instance of petitioners-plaintiffs against respondent Nos. 1 & 2-defendants, came to be dismissed.

[2] Briefly stating, the petitioners herein filed a suit for declaration and permanent injunction against respondent Nos. 1 & 2 being defendants. As per plaint, the subject property in the hands of the father of petitioners-plaintiffs was ancestral in nature, however, respondent No. 1 having exerted undue influence, managed to get a release deed dated 15.07.2001 in his favour from respondent No. 2-defendant No. 2. It was

further pleaded that the petitioners-plaintiffs being coparceners were having pre-existing rights in the ancestral property, as such a declaration was prayed for setting aside the release deed dated 15.07.2001 being illegal, null and void and also without any legal necessity.

[2.1] The plaint was filed on 21.07.2011. The civil suit was dismissed in default for the first time on 11.10.2013. Thereafter, on an application preferred at the instance of petitioners-plaintiffs, the same was restored by the trial Court on 24.03.2014. The written statement was filed on behalf of respondent No. 1 on 28.11.2014. Again on 30.05.2015, the civil suit was dismissed for want of prosecution on account of non-appearance of the petitioners-plaintiffs. Again, restoration application was filed on 09.11.2016 and even the said application was dismissed for want of prosecution on account of non-appearance of the petitioners-plaintiffs before the trial Court on 21.05.2022. Thereafter, another restoration application filed on behalf of the petitioners-plaintiffs on 01.09.2022, was also dismissed by the trial Court on 16.11.2022.

[3] Aggrieved thereof, the petitioners preferred first appeal, which also came to be dismissed by the Court of learned District Judge, Gurugram vide order dated 20.01.2024. Hence, the present revision petition.

[4] Impugning the aforesaid orders dated 16.11.2022 & 20.01.2024 passed by the Courts below, learned counsel for the petitioners submits that passing of the impugned orders has caused serious prejudice to the rights of petitioners. He also points out that the non-appearance of petitioners before the trial Court on the date(s) fixed was neither intentional nor willful, but occurred on account of *bona fide* reasons. He further points

out that at present, the suit is at the final stage of recording of evidence of defendants and thus prays for restoration of the suit while submitting that substantial rights of the parties are involved therein.

[5] On the other hand, learned counsel for respondent Nos. 1 & 2-defendants submits that the petitioners have never been vigilant in pursuing their litigation, therefore, they are not entitled for restoration of their suit. He also points out that the orders passed by the Court below are detailed and comprehensive and thus, call for no interference.

[6] After hearing learned counsel for the parties and having gone through the paper-book, I find no substance in the submission(s) made on behalf of the petitioners.

[7] A perusal of the record shows that in the present case, the plaint was filed before the trial Court on 21.07.2011. For the first time, the suit was dismissed in default on 11.10.2013 and the same was restored on 24.03.2014. Again on 30.05.2015, the same was dismissed in default for the second time. Restoration application in terms thereof was filed on 09.11.2016, which was also dismissed in default on account of non-appearance of the petitioners-plaintiffs on 21.05.2022 and thereafter, fresh restoration application was filed on 01.09.2022, which also came to be dismissed by the trial Court on 16.11.2022. Even, an appeal preferred against the same was rejected on 20.01.2024 by the learned Appellate Court.

[7.1] The fact narrated hereinabove clearly reflect that the petitioners-plaintiffs were never vigilant and serious in pursuing their litigation as out of thirteen (13) years of litigation so far in the suit, approximately ten (10) years have passed only on the restoration

application(s) preferred at the instance of petitioners-plaintiffs. In the considered opinion of this Court, the act and conduct of petitioners-plaintiffs, in such circumstances, cannot, by any stretch of imagination, be termed to be as *bona fide*. It appears that the only intent of the petitioners was to keep the litigation alive just to pressurize respondent Nos. 1 & 2-defendants. Be that as it may, even no convincing explanation has been rendered by the petitioners-plaintiff towards their non-appearance before the trial Court on the date(s) fixed.

[8] Accordingly, no case is made out to interfere with the impugned orders passed by the Courts below, present petition being devoid of merit, is thus hereby **dismissed**.

[9] Pending miscellaneous application(s), if any, shall also stand disposed off.

September 09, 2025

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**(HARKESH MANUJA)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>