



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

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Civil Revision No.1359 of 2024**Date of decision :-05.02.2025****Sunita****.....Petitioner****Versus****Union of India and another****.....Respondents****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Amit Kumar Walia, Advocate with
Mr. Rajinder Singh, Advocate
for the petitioner.

Mr. Rahul Verma, Advocate for
Mr. Rakesh Verma, Sr. Panel Counsel for the
respondents.

NIDHI GUPTA J. (Oral)

The plaintiff is in revision petition before this Court under Article 227 of the Constitution of India praying for quashing of order dated 02.4.2022 passed by learned Civil Judge (Jr. Divn.), Jind in Misc. Application No.26 of 04.9.2019 whereby the application for restoration of the Civil Suit No.350 of 21.11.2012, which was dismissed in default vide order dated 30.1.2014, has been dismissed.

Learned counsel for the petitioner submits that the plaintiff/petitioner has filed a suit for declaration to the effect that she, being widow and dependent of her deceased husband late Sep. (ACP NK) Ramesh Kumar, was entitled to the pensionary benefits i.e. pension, gratuity, provident fund etc and other accrued benefits admissible to the late husband of the plaintiff. The said suit was filed



by the petitioner on 12.10.2011. However, subsequently the same was dismissed for non-prosecution by the learned trial Court vide order dated 30.01.2014. Learned counsel for the petitioner, on instructions, submits that the petitioner is a widowed lady having no children, who would help her in any manner in pursuing the present litigation. As such, the application seeking restoration of the civil suit was filed by the petitioner only on 04.9.2019. However, the said application was also dismissed by the learned trial Court vide order dated 02.4.2022. Even the appeal dated 12.5.2022 against the order dated 02.4.2022 stood dismissed by the learned lower Appellate Court on 24.1.2024. Learned counsel submits that a limited prayer has been made before this Court that in case the Civil Suit of the petitioner is restored, she would move an appropriate application for withdrawal of the original suit to approach the concerned Armed Forces Tribunal.

Learned counsel for the respondents vehemently opposes the prayer made on behalf of petitioner and submits that there is extraordinary and inordinate delay in filing the applications for restoration of the civil suit.

Heard.

In view of the undisputed facts as set out by learned counsel for the petitioner to the effect that the petitioner is a widow lady having no source of income and no children to support her and that there was no one to pursue the litigation as also the fact that the main civil suit was filed for getting pensionary benefits of her late deceased husband, who was in the Armed Forces, the present petition is **allowed** and the impugned orders dated 02.4.2022 passed by the



Civil Judge (Jr. Divn.), Jind in Misc. Application No.26 of 04.9.2019; as well as order dated 24.1.2024 passed by the Additional District Judge, Jind in Civil Misc. Appeal No.12 of 12.5.2022 are set aside and the main Civil Suit No.350 of 21.11.2012 filed by the petitioner alongwith applications, if any, is ordered to be restored to its original number.

Pending application(s), if any, shall stands disposed of.

February 05, 2025

Vijay Asija

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No