



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

129

**Civil Revision No.570 of 2025**

**Date of decision :-13.02.2025**

**Shamsher Singh**

**.....Petitioner**

**Versus**

**Amandeep Kaur and another**

**.....Respondents**

**CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Sunny K. Singla, Advocate  
for the petitioner.

**NIDHI GUPTA J. (Oral)**

The petitioner/plaintiff has filed the present revision petition under Article 227 of the Constitution of India against the impugned orders dated 02.12.2024 (Annexure P-5) and 11.01.2023 (Annexure P-3) passed by learned Civil Judge (Jr. Divn.), Patiala.

Learned counsel for the petitioner submits that petitioner/plaintiff and the proforma respondent herein had filed a suit for recovery of Rs.12,00,000/- against respondent No.1/defendant. The petitioner/plaintiff had entered into an agreement on 16.7.2024 with Jagnandan Singh (husband of the present respondent No.1) and had received an amount of Rs.6,00,000/-. As per the said agreement, the sale deed was to be executed on or before 16.7.2015. However, said Jagnandan Singh did not come for purchase of stamp paper and for execution of sale deed in the office of Sub Registrar, Patiala. Thereafter, the plaintiff came to know that said Jagnandan Singh has



expired on 20.8.2015 leaving her wife, namely, Amandeep Kaur (respondent No.1), who has now re-married with Rajinder Singh and moreover, the property of Jagnandan Singh has been inherited by respondent No.1-Amandeep Kaur. Thereafter, the plaintiff alongwith respectable persons had approached respondent No.1 and request to clear all the loans to clear the said property from all types of charges and encumbrances so that the sale deed can be executed. However, upon receiving no satisfactory reply, the plaintiff approached the Court and filed the suit for recovery of Rs.12,00,000/- including principal amount and damages alongwith interest @ 12% per annum till its realization. The respondent No.1 also appeared before the learned trial Court and filed the written statement. However, on 11.1.2023 due to non-appearance of the plaintiffs, the suit was dismissed in default. Thereafter, the plaintiffs filed an application for restoration of the suit on 22.3.2023, which was also dismissed by the learned Civil Judge (Jr. Divn.), Patiala vide order dated 02.12.2024 (Annexure P-5) with the observation “...*In fact, the non-appearance of the counsel on the day of dismissal has also not explained in this application and this application is only shown to signed by the counsel and not by the applicants themselves. Admittedly, the present application has been filed by the counsel for the applicants on dated 22.3.2023, which is certainly beyond the period of limitation. As such, there is no such ground made out in favour of the applicants to allow this application which is time barred. Hence, this application stands **dismissed**. File is ordered to be consigned to record room.*”



Learned counsel for the petitioner submits that the petitioner/plaintiff would suffer irreparable loss if the impugned orders dated 02.12.2024 (Annexure P-5) and 11.01.2023 (Annexure P-3) passed by learned Civil Judge (Jr. Divn.), Patiala are not set aside.

After hearing learned counsel for the petitioner, issuance of notice of motion is dispensed with at this stage, as it will cause further delay in disposal of the case. Accordingly, keeping in view the above facts as canvassed by learned Counsel for the petitioner, this petition is allowed and impugned orders dated 02.12.2024 (Annexure P-5) and 11.01.2023 (Annexure P-3) passed by learned Civil Judge (Jr. Divn.), Patiala are set aside. The learned Court below is directed to restore the Civil Suit No.409 of 2018 titled as ‘Shamsher Singh vs. Amandeep Kaur etc.’ alongwith applications, if any, however subject to payment of Rs.50,000/- as costs to be deposited within two weeks from today in the “Poor Patients’ Welfare Fund of the Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh”.

Disposed of as above.

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

February 13, 2025  
Vijay Asija

( **NIDHI GUPTA** )  
**JUDGE**

Whether speaking/reasoned Yes / No  
Whether Reportable Yes / No