

**IN THE COURT OF Ms HARPREET KAUR, PCS,
CIVIL JUDGE (JUNIOR DIVISION),
JALANDHAR
(UID No.PB0526).**

Case No.	CM 760/2019
CNR No.	PBJL02-004284-2019
Date of Instt.	27.09.2019
Date of Order	27.01.2021

Sukhdeep Singh Vs Central Board of School Education
Application for restoration of the suit after setting order of dismissed in
default dated 09.09.2019

PRESENT: Sh. Mandeep Singh Walia Advocate for the applicant.
Sh. Rohit Banotra Advocate for the defendant no.1.
Sh. Raj kumar Kashyap Advocate for the defendant no.2.

ORDER:-

1. **Heard on the** application for restoration of the suit after setting order of dismissed in default dated 09.09.2019. As per the averments, the case was earlier fixed before Court on 17.08.2019 for filing of written statement by defendant no.1, which was not filed on the said date and the said case was adjourned again for filing the written statement by defendant no.1, the counsel for

Harpreet Kaur, PCS Civil Judge Junior Division, Jalandhar Dated: 27.01.2021

the plaintiff along with his clerk appeared in the Court on the said date. The clerk of the counsel for the plaintiff on the said date inadvertently noted down the next date is 19.09.2019. The counsel of the plaintiff came to the Court to mark his presence on behalf of plaintiff but to his surprise came to know that the above mentioned suit was dismissed in default on 09.09.2019 for non appearance of plaintiff and anyone on his behalf. The said default of non appearance of plaintiff on the date fixed i.e. 09.09.2019 was neither intentional nor neglectful rather due to the inadvertently wrong noting of date as 19.09.2019 instead of 09.09.2019 by the clerk of the counsel for the applicant due to misunderstanding. The suit is at initial stage and no prejudiced would be cause to the event if case be restored. Hence the present application.

2. Both the counsels appearing for the defendant submitted no objection in case the present application is allowed. Original file perused.
3. Perusal of the case file reveals that the case was fixed for filing

replication and written statement on behalf of defendant no.1 and thereafter the suit was dismissed vide order dated 09.09.2019. The plaintiff has filed suit for mandatory injunction for incorporating the name of the original mother in the matriculation and other documents. A great prejudice would be caused to the plaintiff if the present suit is not restored since the rights of the parties are involved. The case is at initial stage and it has been filed well within period of 30 days. In interest of justice, application in hand stands allowed. Case be restored at its original number. Now, case is adjourned to 05.03.2021 for filing replication and written statement on behalf of defendant no.1.

Pronounced in Open Court
Dt.27.01.2021

Harpreet Kaur, PCS
Civil Judge Junior Division
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