

Rakesh Kumar vs Megha Arora etc

Present: Sh. Kanwar Ashwani Kumar, counsel for the petitioner.

Today the case was fixed for effecting service of respondents. The original file has already been received. The perusal of the original file shows that service of respondent was yet to be effected in the main suit, therefore, there is no requirement of issuing any notice to the respondent for deciding the present restoration application.

2. The perusal of the record shows that the present suit was dismissed in default on 29.07.2022 due to non-appearance of the applicant/plaintiff as well as his counsel. Thereafter, the present application was moved by the counsel for the plaintiff by taking the plea that he had noted down the wrong date as 29.09.2022 and that on 29.09.2022 he came to know that his suit has already been dismissed in default on 29.07.2022 due to his non appearance. As the defendant is yet to be served in the main suit, therefore, the present suit was at very initial stage when the same was dismissed in default. Thus, this Court is of the opinion that if the present suit is restored and decided on its merits after giving due notice to the defendants, it will not cause any prejudice to any of the parties. Further, interest of justice also requires suit to be decided on its merits after giving due opportunity of being heard to both the parties. Thus, the present application stands allowed subject to payment of cost of Rs.2000/- to be deposited in the DLSA, Chandigarh. Main suit is ordered to be restored at its original number, date and stage. The record of present application be

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tagged with the main suit. Now, file be put up on 21.2.2023 for payment of cost and for service of defendants through RC/AD.

Dated 5.1.2023

Randeep Kumar,
Civil Judge(Jr.Division)
Chandigarh/ UID PB0465

Shalu
JW-I