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

**CR-5935-2024 (O&M)
Date of Decision: 11.05.2026**

SUSHILA Petitioner

Versus

KARAN SINGH AND ORS Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Ms. Veena Hooda, Advocate with
Mr. Nikhil Mittal, Advocate
for the petitioner.

YASHVIR SINGH RATHOR, J. (Oral)

CM-25368-CII-2025

The applicant-petitioner through instant application under Section 151 CPC is seeking permission to place on record Annexure P-11.

Allowed as prayed for.

Annexure P-11 is taken on record, subject to all just exceptions. Registry is directed to tag the same at an appropriate place.

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1. This revision petition has been directed against the order dated 01.05.2024 (Annexure P-10) passed by Additional District Judge, Sonipat vide which the application for restoration of the appeal, which was dismissed in default vide order dated 14.02.2017 (Annexure P-7), alongwith an application for condonation of delay, has been dismissed.



2. I have heard learned counsel for the petitioner and have gone through the material on file.

3. As per version of petitioner, civil suit bearing No. 590 of 2008/2009 seeking relief of declaration to the effect that the plaintiffs are owners in possession to the extent of 1/3rd share each in the suit property on the basis of a Will dated 20.03.1978, alongwith permanent injunction, was dismissed by the Court of Civil Judge (Jr. Division), Sonipat vide judgment and decree dated 10.09.2013. Aggrieved with the same, the petitioner preferred an appeal bearing No. CA-2043 of 2013 which was subsequently dismissed in default for want of prosecution on 14.02.2017. Thereafter, the petitioner moved an application for restoration of the appeal under Order 41 Rule 19 CPC alongwith an application for condonation of delay of 1384 days in filing the application on 19.01.2022. The petitioner cited illness since December 2016 and the impact of the COVID-19 pandemic as reasons for the delay. However, the learned Appellate Court dismissed the application vide impugned order dated 01.05.2024, observing that the petitioner had been actively attending revenue court proceedings (Case No. 55-DRO) before the Assistant Collector 1st Grade, Sonipat from 04.11.2019 onwards during the same period and the ground of illness was found to be insufficient.

4. Before proceeding further, It is relevant to mention that according to Order 43 Rule 1(t) CPC, an appeal shall lie from an order passed on the application under Order 41 Rule 19 CPC refusing to re-admit an appeal. The application for restoration in the present case was instituted under Order 41 Rule 19 CPC and the same has been dismissed.



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As such, the impugned order is not revisable and an appeal lies against the impugned order before the appropriate appellate forum in view of Order 43 Rule 1(t) CPC. Present revision petition is, thus, not maintainable and the same is accordingly ordered to be dismissed.

5. Pending misc. application (s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

11.05.2026

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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No