

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 3328 of 2011

Date of decision : September 13, 2013

Surjit Singh

....Petitioner

versus

M/s Birla Global Finance Limited and another

....Respondents

Coram: Hon'ble Mr. Justice L.N. Mittal

Present : None

L.N. Mittal, J. (Oral)

Inspite of last opportunity, correct address of respondent no. 1 and registered cover not furnished. None is either present for the petitioner. None either appeared for the petitioner on the preceding date of hearing. Correct address of respondent no. 1 and registered AD cover have not been furnished for the last several dates of hearing spread over more than one year. It is, thus, apparent that the petitioner is no longer interested in prosecuting this revision petition.

It may be mentioned that in the revision petition, challenge is to order dated 9.5.2005 Annexure P/1 passed by the trial court thereby dismissing application filed by defendant no. 1-petitioner for referring the dispute to Arbitrator. However, the revision petition has been filed six

years after the passing of the said order and in fact after the decision of the suit on merits vide judgment and decree dated 15.1.2011 Annexures P/2 and P/3 which are also under challenge in this revision petition. The revision petition is apparently not maintainable because judgment and decree Annexures P/2 and P/3 are appealable and in appeal, that could be preferred against the said final judgment and decree, even order Annexure P/1 passed during pendency of the suit could have been challenged. Moreover, order Annexure P/1 could not be challenged by filing revision petition six years after the passing of the order. It appears that for these reasons, the petitioner is not interested in prosecuting this revision petition.

Dismissed for non-prosecution.

September 13, 2013

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**(L.N. Mittal)
Judge**