

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 1155 of 2012

Date of Decision : 22.01.2015

Inder Kumar @ Inder Pal

....Petitioner

Versus

Ram Bir

...Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

Present: Mr. Yogesh Chaudhary, Advocate
for the petitioner.

Mr. Vijay S. Kajla, Advocate
for the respondent.

R.P. Nagrath, J. (Oral)

I have heard learned counsel for the parties.

Instant is a civil revision against judgment of the Appellate Court whereby the application for condonation of delay in filing the appeal was declined and consequently the appeal stood dismissed.

In **Shyam Sunder Sharma vs. Pannalal jaiswal and others, AIR 2005 SC 226**, Hon'ble Supreme Court has held that an appeal filed along with an application for condoning the delay in filing the appeal when dismissed on the refusal to condone the delay is nevertheless a decision in the appeal and, therefore, Regular Second Appeal (RSA) was maintainable.

Learned counsel for the petitioner seeks to withdraw the instant petition with liberty to file RSA against the impugned judgment and also to plead for condonation of delay by taking into the circumstance that the revision remained pending for three years.

Dismissed as withdrawn with liberty, as aforesaid.

January 22, 2015

jk

**(R.P. NAGRATH)
JUDGE**