

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

CR No. 1682 of 2014(O&M)

Date of decision: 7.12.2015

The Hissar D.N.College Co-Op.House Building Society Ltd. and others

.....Petitioner

versus

**The Additional Chief Secy to Govt. of Haryana Cooperation Deptt,
Chandigarh and another.**

.....Respondents

Coram: Hon'ble Mr. Justice Amit Rawal

Present: Mr. Mahabir Singh Sindhu, Advocate for the petitioner.

Mr. Ravi Partap Singh, AAG Haryana.

- 1. Whether reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the reporters or not?**
- 3. Whether the judgment should be reported in the digest?**

Amit Rawal, J.(Oral)

Petitioner is aggrieved of the order dated 26.7.2006 whereby revision petition bearing CR No.31 of 2003 has been dismissed for non prosecution and order dated 19.12.2013 vide which application filed under Order 9 Rule 13 CPC for restoration of revision petition has been dismissed.

Learned counsel appearing on behalf of the petitioner submits that no harm and prejudice would be caused to the other side in case the revision petition is decided on merits.

Learned Assistant Advocate General, Haryana appearing on behalf of respondent states that no explanation has been given in not pursuing the revision petition diligently as a result of which application for restoration was dismissed by the court below.

I have heard learned counsel for the parties and appraised the paper book.

I have gone through the impugned order as well as paper book and is of the opinion that revision petition deserves to be allowed on the following reason:

The petitioner earlier engaged Sh.J.B.Tacoria, Advocate who had unfortunately died. However, the factum of the pendency of the revision petition much less its outcome is not informed or came to their notice which resulted into seven years in moving the application. It is settled law that no person can be made to suffer on the part of counsel even if fault cannot be attributed because of the untimely demise of Sh.J.B.Tacoria, Advocate.

Keeping in view the aforementioned facts, impugned order dated 19.12.2013 is set aside. Application seeking restoration of the revision petition is allowed. Revision petition bearing No.31 of 2003 is restored to its original number. Parties are directed to appear before competent authority for adjudication of the lis between the parties pending revision petition on 21.12.2015.

Revision Petition is allowed. It is expected that revision shall be decided expeditiously as possible within a period of six months on receipt of the certified copy of the order.

7.12.2015
Meenu

(AMIT RAWAL)
JUDGE