

CR No. 2502 of 2012(O&M)

Date of Decision: December 01, 2015

Mohinder Singh & others

...Petitioners

vs.

Nazar Singh & others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. K. S. Rekhi, Advocate
for the petitioners.

None for the respondent.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present revision is the order dated 19.01.2012, passed by learned Additional District Judge, Amritsar vide which on account of non appearance of petitioner-appellant on the said date and non-payment of the cost, the application under Section 5 of the Limitation Act is deemed to have been declined and the appeal was dismissed.

The only prayer of the counsel for the petitioner is that since wrong date was noted therefore, he could not appear on the

said date. He is ready to pay the cost imposed upon him while condoning the delay of 11 days in filing the appeal. Therefore, he may be given one opportunity and that appeal may be decided on merits.

Today none has appeared on behalf of the respondent. I find merit in the request of learned counsel for the appellant/petitioner herein. Once the appeal is filed and the delay is condoned and appellant is ready to pay the cost, the appeal should be decided on merits. The impugned order is set aside. The parties are directed to put in appearance before the concerned lower appellate Court on 23.12.2015 where the present petitioner shall pay the cost and thereafter the appeal shall be heard and decided on merits.

Revision petition is allowed.

December 01, 2015
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(KULDIP SINGH)
JUDGE