

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

CR No.4573 of 2012 (O&M)

Date of decision : 03.12.2015

Punjab State Power Corporation Ltd. and ors.

...Petitioners

Versus

Mandeep Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Amit Aggarwal, Advocate for petitioners.

AMIT RAWAL, J. (Oral)

The petitioner-Judgment Debtor is aggrieved of the order dated 19.10.2011, whereby appeal filed against the judgment and decree dated 24.10.2009, whereby the suit filed by the respondent-plaintiff has been partly decreed to the extent that she has been held entitled to get all pensionary benefits i.e. ex-gratia amount, House Rent Allowance, recovery of ₹9,000/- from gratuity, GIS, solatium alongwith interest at the rate of 6% p.a. from the due date, has been dismissed on the ground of limitation.

Mr. Amit Aggarwal, learned counsel appearing on behalf of petitioners submits, that appeal was barred by period of 185 days. However, the application seeking condonation of delay spelt out valid and cogent reasons in filing the appeal. In support of his contention, he has relied upon judgment of Hon'ble Supreme Court in *Esha Bhattacharjee Versus*

Managing Committee of Raghunathpur Nafar Academy and others, (2013) 12 Supreme Court Cases 649 and Rattan Singh Vs. Vijay Singh and ors., 2001(1) SCC 469.

As already noticed by this Court in order dated 03.10.2013, respondents have been served but there is no representation.

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

In my view, the reasoning given by the lower Appellate Court declining the application seeking condonation of delay for 185 days is not sustainable for the reasons that Hon'ble Supreme Court in *Esha Bhattacharjee's case (Supra)* has laid down the law by culling out the principles as to how and under what circumstances, the delay should be condoned. The reasoning given in the application in my view is in conformity with the principles culled out in *Esha Bhattacharjee's case (Supra)*. However, this fact has not been noticed by the Lower Appellate Court.

Keeping in view the aforementioned facts, impugned order dated 19.10.2011 is set aside. Delay of 185 days in filing the appeal is condoned. Appeal No.302 of 28.04.2010 is restored to its original number.

The matter is remitted back to the Lower Appellate Court. Lower Appellate Court shall decide the appeal on merits after giving notice to the parties to the lis.

Revision petition stands allowed.

03.12.2015

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**(AMIT RAWAL)
JUDGE**