

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

Civil Revision No.5058 of 2015 (O&M)

Date of Decision: September 03, 2015

The Principal and another Petitioner

vs.

Bhupesh Bhateja Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. D.K. Singal, Advocate for the petitioner.

Ms. Promila Nain, Advocate 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 petition is the order dated 14.07.2015 passed by learned Addl. District Judge, Chandigarh, vide which while restoring the appeal, which was dismissed in default, the present petitioner was burdened with costs of ₹1,000/- to be deposited in the District Legal Services Authority, Chandigarh and also to furnish security in the sum of ₹2,00,000/- within fifteen days. The furnishing of the security was a condition precedent, failing which the application (for restoration) will stand dismissed.

I have heard learned counsel for the parties and have also carefully gone through the case file.

The short controversy in the present case is that a civil appeal was pending before the learned Addl. District Judge,

Chandigarh, which was dismissed in default. The present petitioners filed an application for restoration of the same. Learned Addl. District Judge, Chandigarh while noticing that a wrong date i.e. 03.02.2015 was noted down by the counsel whereas the appeal was adjourned to 23.12.2014, restored the same holding that the same was dismissed in default on 23.12.2014. It was further observed that the appellants-petitioners were serious in pursuing the appeal.

I am of the view that once it is found that a wrong date was noted down in the diary of the counsel and the appellants-petitioners, who were serious in pursuing the appeal, it cannot be said that the appellants-petitioners were at fault. Therefore, the order imposing the costs of ₹1,000/- to be deposited in the District Legal Services Authority, Chandigarh and asking the appellants-petitioners to furnish security in the sum of ₹2,00,00/-, is found to be unjust and harsh.

It being so, the impugned order of imposing costs of ₹1,000/- to be deposited in the District Legal Services Authority, Chandigarh as well as asking the appellants-petitioners to furnish security in the sum of ₹2,00,000/- within 15 days, is set aside. The appeal is ordered to be heard and decided on merits.

The present revision petition is, accordingly, allowed.

(KULDIP SINGH)
JUDGE

September 03, 2015
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