

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5824 of 2013 (O&M)
Date of Decision: 05.02.2015

Tek Chand

...Petitioner

Versus

Het Ram

...Respondent

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

1. *Whether Reporters of the 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?*

Present: Mr. Anurag Jain, Advocate
for the petitioner.

Mr. Ajay Jain, Advocate
for the respondent.

R.P. Nagrath, J. (Oral)

The instant revision is filed by invoking the jurisdiction of this Court under Article 227 of the Constitution of India seeking to set aside the order dated 30.08.2013 (Annexure P-4) passed by the Additional District Judge, declining the application under Section 5 of the Limitation Act for condonation of about three months' delay in filing the appeal.

The Appellate Court has discussed the circumstances while declining the prayer for condonation of delay but without framing issues and affording the petitioner opportunity to prove and

explain the circumstances leading for the delay. It is the case of the parties that two suits were pending and decided on the same day, out of which judgement in one case has attained finality.

In view of the discussion made above, I am of the view that the impugned order passed by the Appellate Court cannot be sustained in the eyes of law.

The instant revision is allowed and the impugned order passed by learned Appellate Court is set aside. The learned Appellate Court is directed to frame issues on the application and afford opportunity to the parties to lead evidence. It is, however, directed that the petitioner would complete the evidence within two months of the framing of issues on the application during which the Appellate Court may grant any number of adjournments. Thereafter, the respondent would also be afforded two months' time and the Appellate Court would then proceed to dispose of the application expeditiously and preferably within a period of six months from 11.02.2015.

The parties are directed to appear before the Appellate Court on 11.02.2015.

The appellant would be at liberty to apply to the Appellate Court for the grant of interim prayer, if permissible, which the Appellate Court will decide, in accordance with law. Copy of this order be faxed.

05.02.2015
sk

(R.P. Nagrath)
Judge