

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No.8781 of 2014  
Decided on: May 4, 2015.

**Amarjeet Singh**

**.... Petitioner**

**Versus**

**Punjab State Electricity Board (now Punjab State Power Corporation Ltd.), Patiala and others**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

Present: Mr. Tarun Singla, Advocate,  
for the petitioner.

**M.M.S. BEDI, J (ORAL)**

No one has put in appearance on behalf of respondent Nos.1 and 2 despite service. They are proceeded against ex-parte.

Suit of the plaintiff-appellant was dismissed vide judgment and decree dated 14.01.2011. There was a delay of 2 years, 7 months and 10 days in filing the appeal since at the time of pronouncement of the judgment and decree on 14.01.2011 the plaintiff-appellant was allegedly abroad. He returned on 01.05.2013. Delay was not condoned by the lower Appellate Court depriving an opportunity to the plaintiff-appellant for adjudication of his grievance on merits.

It is not disputed that the petitioner was abroad when his case was decided. The lower Appellate Court expected that the plaintiff-

appellant should have been more vigilant and should have remained in contact with his counsel. No one has put in appearance on behalf of the respondents, meaning thereby that respondents are not interested in contesting the matter. Though sufficient grounds have not been given but there are grounds to condone the delay in filing of the first appeal.

Accordingly, the revision petition is allowed. The delay in filing of the appeal is condoned in the interest of justice, to enable the plaintiff-appellant to have his matter adjudicated on merits, however, subject to payment of costs of Rs.10,000/-.

Plaintiff-appellant is directed to appear before the successor Court of Sh. Karnail Singh, Additional District Judge, Faridkot, on 30.05.2015. Costs of Rs.10,000/- will be deposited in shape of a bank draft in the name of the Punjab State Power Corporation Ltd. Thereafter, the lower Appellate Court shall issue notice to the respondents and proceed to decide the appeal on merits.

**(M.M.S. BEDI)**  
**JUDGE**

**May 4, 2015**  
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