

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-A 416 MA of 2012

Date of decision : January 06, 2015

Tarun Kumar Goyal,

..... Appellant.

v.

Khursheed

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Shiv Kumar, Advocate
for the appellant.

Mr. Yashdev Kaushik, 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 ?**

Ajay Tewari, J (Oral)

Counsel for the appellant states that the order dated 5.3.2014 has been complied with.

Counsel for the respondent has accepted this fact.

This appeal has been filed against the order dated 22.5.2010 passed by the trial Court dismissing the complaint for non-prosecution.

It is not disputed that thereafter the complainant filed the revision petition mentioning therein the details of his previous appearances before the Court; the fact that on 22.5.2010 he had again fallen sick; and that his counsel had duly appeared and sought pass-over to move an

application for exemption but during that interregnum, the case was dismissed in default. It deserves to be mentioned here that the original complainant died during the pendency of the revision petition and his son i.e the present appellant was brought on record as a legal representative. The said revision petition was dismissed and the appellant filed CRM-M No.11373 of 2012 for quashing which was dismissed by this Court being not maintainable, hence the present appeal.

Counsel for the respondent has argued that there is no record of the illness of the original complainant.

Be that as it may, keeping in view the facts which have not been disputed, I do not deem it appropriate to dismiss this appeal. Consequently, this appeal is allowed, the order dated 22.5.2010 is set aside and the complaint is restored to its original number and stage. Parties, through their counsel, are directed to appear before the trial Court on 3.3.2015.

January 06, 2015
`kk'

(AJAY TEWARI)
JUDGE