

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 26 of 2015 (O&M)

Date of decision : February 19, 2015

Tirath Ram and others,

..... Petitioners

v.

State of Punjab,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. C.M Munjal, Advocate
for the petitioners.

Mr. APS Gill, AAG Punjab

- 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)

This revision petition has been filed against the order of the appellate Court dated 26.11.2014 dismissing the appeal for non appearance of the petitioners. On 7.1.2015, the following contention was noticed :-

“ Learned counsel has argued that the appeal was dismissed on the ground that one appellant had not appeared. Actually as per learned counsel appellants No.1 and 3 were in jail and there was some confusion about the date and that is why they were not produced by the jail authorities.”

Counsel for the respondent has accepted the fact that petitioners No.1 and 3 were indeed in jail when the impugned order was passed.

The issue before this Court is whether in these circumstances

the appeal should have been dismissed for non-appearance. As per counsel for the respondent, even none of the counsel had appeared and even petitioner No.2 who was not in jail had not appeared, but states that now all the petitioners are out of jail. However, keeping the above mentioned factual matrix in mind, in my opinion this is a case where one more opportunity should be granted to the petitioners to get a decision on their appeal on merits.

In the circumstances, this revision petition is allowed, the impugned order is set aside and the matter is remitted back to the appellate Court for decision on merits. Parties, though their counsel, are directed to appear before the appellate Court on 6.4.2015.

February 19, 2015
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(AJAY TEWARI)
JUDGE