

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Civil Revision No.1650 of 2015

Date of decision: 24.2.2016

Surender Kumar

... Petitioner

Versus

Gurmukh Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE K.KANNAN

Present: Mr.Rajesh Bansal, Advocate,
for the petitioner.

Mr.R.S.Malik, Advocate, for
Mr.Ajay Ghangas, Advocate,
for the respondent.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

K.KANNAN, J. (Oral)

There is a prayer for an adjournment by the respondent. Learned counsel for the petitioner states that since he was not able to comply with the directions given by the Court for deposit of an amount of ₹ 1.25 lacs for protection of his possession, the respondent has actually taken possession of the property also and he shall be put to great hardship, if the consideration of the civil revision is delayed further.

Having regard to the nature of grievance expressed, I reject the plea for an adjournment made by the respondent and proceed to hear the civil revision.

The revision is against the order dismissing an application for condonation of delay in filing the appeal against the decree for possession though by the plaintiff. The decree was granted on 28.10.2011 and the appeal was filed on 26.2.2014. The reason for delay mentioned in the application filed for appeal was that he had been in judicial custody from 7.2.2008 to 22.2.2013 pursuant to the conviction in a criminal case and, therefore, he could not prefer the appeal. After he served the sentence, he came to know about the decree passed, applied for a certified copy and preferred an appeal.

I notice that the incarceration suffered by the petitioner itself is not in challenge between the date of release from custody on 22.2.2013 to 26.2.2014. There is hardly any delay considering that the time was also taken from the Court for preparation of copies of judgment and decree for preferring an appeal. I will take the delay as duly explained, condone the delay and set aside the order already passed.

The appellate court is directed to number the appeal and dispose of the appeal in accordance with law after hearing both the sides.

Accordingly, the revision petition is allowed.

(K.KANNAN)
JUDGE

February 24, 2016

Paritosh Kumar