

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.214 of 2013 (O&M)
Date of decision:14.03.2016

Gagandeep

... Petitioner

Vs.

Ludhiana Improvement Trust

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Liaqat Ali, Advocate
for the petitioner.

Mr. Vishwajit Bedi, Advocate
for the respondent.

AMIT RAWAL J. (Oral)

Suit of the petitioner-plaintiff was decreed vide judgment and decree dated 25.5.2009. Aggrieved against the aforementioned decree, Ludhiana Improvement Trust-respondent/defendant preferred an appeal which was barred by law of limitation but vide order dated 11.4.2012, limitation to file an appeal was condoned, subject to payment of costs of ₹7,000/-. The aforementioned order was assailed by the petitioner-plaintiff by filing civil revision before this Court, which was dismissed and thereafter, moved an application calling upon the Trust to deposit the costs which has been dismissed by the Lower Appellate Court.

Mr. Liaqat Ali, learned counsel appearing on behalf of the petitioner-plaintiff submits that once the revision petition was dismissed, right of plaintiff to seek/claim costs can not be taken away and accordingly, an application has been filed which has been dismissed. In support of his aforementioned contentions, relied upon the judgment of this Court in **Dinesh Singla vs. Smt. Surekha Singla and another 2002(4) R.C.R.(Civil) 513.**

Mr. Vishwajit Bedi, learned counsel appearing on behalf of the respondent-defendant submits that once the order allowing the condonation of delay was assailed, the petitioner-plaintiff waived his right and cannot approbate and reprobate.

I have heard learned counsel for the parties and appraised the paper book and of the view that there is no merit in the submission of Mr. Liaqat Ali, for the reasons that order dated 11.4.2012 seeking condonation of delay was challenged, which was dismissed. The judgment aforementioned, relied upon by Mr. Liaqat Ali, deals with the procedure, where the costs have been paid on the adjourned date. However, in this case, the application seeking condonation of delay was allowed subject to payment of costs, but the same has not been deposited, thus, ratio decidendi culled out in the aforementioned judgment is totally different to the facts and circumstances of present case.

In view of the aforementioned observations, I am in agreement with the findings rendered in the impugned order, much

less, the same cannot be said to have been passed without jurisdiction.

There is no merit in the revision petition.

Accordingly, the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

March 14, 2016
savita