

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.5819 of 2016 (O&M)

Date of decision:07.09.2016

Rakesh Kumar @ Lali

... Petitioner

Vs.

Municipal Committee Ferozepur City and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Nandan J.K.Sajjan, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner-plaintiff is aggrieved of the impugned order dated 04.05.2016 (Annexure P-4), whereby, an application for restoration of the appeal which was dismissed in default, has been dismissed.

Mr. Nandan J.K.Sajjan, learned counsel appearing on behalf of the petitioner-plaintiff submits that the Court below ought to have allowed the application, once the cause for non-appearance has been brought to the notice of the Court, subject to any terms and conditions.

I am of the view that the application for restoration of the appeal ought to have been allowed if the cause of non-appearance has been brought to the notice of the Court and the appeal should have restored.

I refrain myself from issuing notice of motion to other side/respondents to defray the costs of litigation & deem it appropriate to set aside the impugned order. The application is allowed and the appeal before

the Court below is restored to its original number with a direction to the Lower Appellate Court to decide the appeal as expeditiously as possible, preferably within a period of six months from the date of a receipt of certified copy of this order.

Accordingly, the revision petition stands allowed, subject to payment of costs of Rs.5,000/- which shall be a condition precedent.

(AMIT RAWAL)
JUDGE

September 07, 2016
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No