

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.6246 of 2016 (O&M)

Date of Decision.18.10.2016

Hardev Singh

.....Petitioner

Vs

Ajaib Singh and others

.....Respondents

Present: Mr. Parveen Chauhan, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner is aggrieved of the impugned order whereby the application moved under Section 5 of the Limitation Act along with misc. appeal filed against the order dated 02.02.2015 allowing the application under Order 39 Rule 1 and 2 CPC in a suit instituted by the petitioner-plaintiff, has been allowed.

Learned counsel appearing for the petitioner submits that the manner and mode in which the order has been passed is lacking reasons, much less, cogent reasons. The order passed in the application seeking condonation of delay has been passed in a most atrocious and mechanical manner.

I have heard learned counsel for the petitioner and appraised the paper book. For the sake of brevity, the order under challenge reads thus:-

“Present: Sh. Achhar Kumar, Advocate, counsel for the appellants.

Sh. I.D. Tiwari, Advocate, counsel for respondent No.1.

Service of respondent No.2 dispensed with.

Arguments heard on the application moved for condonation of delay and record perused. There is delay of 5 months in filing

the appeal against the impugned order passed on application under Order 39 Rules 1 and 2 CPC. While taking the lenient view, the delay is condoned subject to costs of Rs.1000/- payable by the appellants. The appeal file be separated and after registration it be listed for today.

*-sd-
Rajiv Kalra
Additional District Judge
Patiala”*

On going through the order, I am of the view that officer of a rank of Additional District Judge should deliberate upon the averments, particularly when the written statement (Annexure P-5) to the application seeking condonation of delay has already been filed and pass a reasoned and speaking order but not in the manner and mode as noticed above.

For the foregoing reasons, the order under challenge is set aside and the matter is remitted back to the Additional District Judge, Patiala to decide the misc. application No.99 of 7.09.2015 afresh after hearing the parties keeping in view the observations made by this Court. The revision petition is allowed with the above observations.

**(AMIT RAWAL)
JUDGE**

October 18, 2016

Pankaj*

Whether reasoned/speaking Yes

Whether reportable No