

204.

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

Civil Revision No.6292 of 2012 (O&M)

Date of decision:08.01.2016

Hindustan Wire Products Limited

... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Mayank Mathur, Advocate,
for the petitioner.

Ms. Vandana Malhotra, Additional Advocate General,
Punjab.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. A decree which has been satisfied subject to rights in appeal was sought to be assailed at an appellate forum. There was a delay of nearly 5 years in preferring the appeal. The reason for the delay was that the Company was wound up and it was in dire straits and hence, could not file the appeal. The counsel for the State has very serious objection. She states that there is an extraordinary delay which cannot be condoned at all by the court.

2. In a situation where the decree holder has had the benefit of even recovering the amount for which the decree was obtained and judgment debtor seeks a consideration of his case on merits, it shall be fair enough that he should have such opportunity and I will not fetter the right of passionate pleas that the court's time was needlessly wasted by delayed approach to court. I set aside the order passed by the court and allow the revision, condoning the delay in filing the appeal. The lower appellate court is directed to register the appeal on its file and dispose of the case on merits.

(K.KANNAN)
JUDGE

08.01.2016
sanjeev