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

Civil Revision No.8108 of 2016

Date of Decision: 02.12.2016

JATINDER SINGH THIND

.....Petitioner

Vs

ASMEEN NIRMAL SINGH AND ORS.

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sudhir Paruthi, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner is aggrieved of the order dated 01.08.2016 passed by the Additional District Judge, Jalandhar vide which appeal was ordered to be restored.

[2]. Appeal was dismissed for non-prosecution on 15.05.2015 and the application for restoration of the same was filed within ten days of the dismissal of the appeal. The ground taken for restoration of the appeal was that in fact 25.05.2016 was the date noted in place of 15.05.2015. The counsel for the appellant was sufficiently prevented from appearing on 15.05.2015.

[3]. I have considered the matter.

[4]. Since the application for restoration of the appeal was filed within ten days of its dismissal, the prompt filing of the application itself was the ground for restoration of the appeal. Even otherwise, noting of 25.05.2016 in place of 15.05.2015 was duly supported by the affidavit of the appellant before the lower Appellate Court.

[5]. In view of above, the discretion exercised by the lower Appellate Court cannot be held to be arbitrary or suffered with any perversity. Revision petition is accordingly dismissed.

December 02, 2016

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No