

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

RSA No.3108 of 2016 (O&M)

Date of decision: 14.07.2016

Tara Devi

....Petitioner

Versus

Shri Jainendra Gurukul

....Respondent

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Amilendra Pandey, Advocate, and
Mr. C.S. Bagri, Advocate,
for the petitioner.

Mr. Adarsh Jain, Advocate, for
the caveator-respondent.

Paramjeet Singh Dhaliwal, J. (Oral)

CM No. 8364-C of 2016

CM is allowed. Delay of 15 days in re-filing the appeal is
condoned.

CM No. 8365-C of 2016

CM is allowed. Applicant-appellant is permitted to make
the deficiency in Court fee good.

RSA No. 3108 of 2016 (O&M)

Instant appeal has been filed challenging the order dated
15.02.2016 passed by learned Addl. District Judge, Panchkula and
order dated 30.04.2015 passed by learned Civil Judge (Jr. Division),
Panchkula whereby the first appeal stands dismissed as time barred.

I have heard learned counsel for the parties and perused
the record.

The first appeal has been dismissed only on the ground of delay. Petitioner is a bed ridden senior citizen lady. She had engaged a counsel and was dependent upon him. In spite of her efforts the counsel did not answer her calls and did not tell the fate and status of the case, as a result of which the delay has been caused. Be that as it may, in the facts of the case, the matter should have been heard and decided on merit. Keeping in view this, the delay in filing the appeal before the lower appellate Court is condoned. The lower appellate Court shall decide the appeal on merit. Parties are directed to appear before the lower appellate Court on 01.08.2016. The Court shall expedite the decision in the case and decide the same, preferably within a period of three months from the date of receipt of certified copy of this order.

Disposed of.

14.07.2016

PA

(Paramjeet Singh Dhaliwal)
Judge