

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

**CR No.1777 of 2017 (O&M)  
Date of decision: 10.03.2017**

**Bhushan Parkash**

**..Petitioner**

**Versus**

**Bachan Singh and another**

**..Respondents**

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

**Present:** Mr. L.S. Mann, Advocate for  
Ms. Chhavi Sharma, Advocate  
for the petitioner.

\*\*\*

**Daya Chaudhary, J. (Oral)**

Learned counsel for the petitioner submits that since the record of the trial Court was not received, arguments could not be advanced and there was no request on the part of the petitioner and ultimately, the case was dismissed in default. Learned counsel further submits that there was no fault on the part of the petitioner still the impugned order has been passed. Learned counsel also submits that the petitioner is ready to advance arguments and only one single date is required.

Keeping in view the limited prayer of the petitioner and without issuing notice to other party as it may delay the matter unnecessarily and the other party has to incur the expenses in engaging the lawyer, the present revision petition is allowed and impugned orders dated 19.09.2015 and 20.02.2017 (Annexures P-7 and P-9, respectively) are set-aside. The Lower Appellate Court is directed to grant one opportunity to the petitioner subject to payment of costs of ₹10,000 to be deposited with the Lower Appellate Court.

**10.03.2017  
neetu**

**(DAYA CHAUDHARY)  
JUDGE**

Whether speaking/reasoned

√  
Yes/No

Whether Reportable

√  
Yes/No