

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

137

CR No.2456 of 2017 (O & M)
Date of Decision:12.12.2017

Vijay Kumar

...Petitioner

Versus

Punjab State Power Corporation Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pawan Kumar Goklaney, Advocate
for the petitioner.

Mr. Pawan Sharda, Senior DAG, Punjab.

ANIL KSHETARPAL, J.(Oral)

This revision petition has been filed against the order dated 20.12.2016 passed by the learned Additional District Judge, Patiala refusing to condone the delay in filing the first appeal.

It is the case of the petitioner that his mother was ill and she died on 16.09.2014, on that ground the appellant could not file the appeal within time.

Learned First Appellate Court has dismissed the application on the ground that period from 01.08.2014 to 15.09.2014 has not been explained as no medical record regarding illness of the mother has been proved on file. The Court has further recorded that any evidence, which is beyond pleadings cannot be looked into.

In the considered opinion of this Court, the approach of the learned First Appellate Court was hyper-technical. In this case, the delay in filing the first appeal is not huge.

Taking into consideration that the mother of the petitioner had died on 16.09.2014, after having remained ill, the Court should have adopted a justice oriented approach rather than taking a hyper-technical.

Taking into consideration these facts, the order passed by the learned First Appellate Court dated 20.12.2016 is set aside.

Hence, this revision petition is allowed.

Case is remitted back to the learned First Appellate Court to decide the appeal on merits.

12.12.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No