

CR-3968-2017

Date of Decision : 07.07.2017

Babu Ram (dead) through his LR Ashok KumarPetitioner

versus

Hukam Chand @ Hakam Rai and othersRespondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Anurag Jain, Advocate
for the petitioner.

M.M.S. BEDI, JUDGE (ORAL)

Vide impugned order dated 19.01.2017, an appeal filed by the plaintiff/respondent has been restored by the lower Appellate Court. The defendant has filed the revision petition alleging that there were no sufficient grounds for restoration of the appeal which had been filed in year 2011 and dismissed in default on 04.01.2013.

A perusal of the order dated 19.01.2017 indicates that sufficient reasons have been given by the plaintiff/respondent before the lower Appellate Court for restoration of the appeal and for non-appearance on 04.01.2013.

Learned counsel for the petitioner has submitted that the objective of the plaintiff/respondent is to prolong the litigation which is amongst the family members.

I have considered the contention of learned counsel for the petitioner and I am of the opinion that a litigant is entitled to adjudication of the rights on merits. In case, appeal of the

plaintiff/respondent had not been restored, an opportunity to get the appeal decided on merits would have been denied to the plaintiff/respondent.

I have heard learned counsel for the petitioner at length but I am of the opinion that no interference is warranted in order dated 19.01.2017 except that the petitioner/defendant could have been compensated for the unnecessary harassment caused by the protracted litigation.

The revision petition is dismissed. However, a direction is issued to the Additional District Judge, Mansa to also consider the grant of any amount up to the extent of Rs.10,000/- as costs for the restoration of the appeal as the defendant/petitioner had been subjected to unnecessary harassment.

(M.M.S. BEDI)
JUDGE

07.07.2017

Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No