

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

CR No.4205 of 2017

Date of Decision: 03.07.2017

Rakesh Kumar @ Lali

.....Petitioner

Vs.

Municipal Committee, Ferozepur City and anr.Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Piyush Sharma, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

The petitioner has come in revision for setting aside the order dated 08.11.2016 passed by learned District Judge, Ferozepur, dismissing the appeal for non-payment of cost of Rs.5,000/- without giving him last opportunity.

Vide order dated 07.09.2016 passed in CR No.5819 of 2016 (Annexure P-2), petitioner had aggrieved of the impugned order dated 04.05.2016 whereby, an application for restoration of the appeal was dismissed in default as the petitioner had not deposited the abovesaid costs and place on record his medical certificate (Annexure P-3) dated 04.11.2016 that he was advised complete bed rest. Vide impugned order (Annexure P-1) dated 08.11.2016, the appeal of the petitioner has been dismissed for non-prosecution and non-payment of costs.

Keeping in view that the petitioner at this stage is ready to deposit the costs as almost one year has gone by when he was given opportunity to deposit the cost, this petition is allowed by setting aside the order dated 08.11.2016 and petitioner is given one more effective opportunity to deposit costs of Rs.10,000/- to District Legal Services Authority, Ferozepur, in addition to the costs imposed by the Appellate Court within a period of two weeks from the date of receipt of certified copy of this order.

**(RITU BAHRI)
JUDGE**

03.07.2017

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>