

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

**CR No.5278 of 2017**

**Date of decision: 10.08.2017**

**Gurmit Singh**

**...Petitioner**

**Versus**

**Jaswant Kaur and others**

**...Respondents**

**CORAM:HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Sanjeev Kumar Arora, Advocate,  
for the petitioner.

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**Ritu Bahri, J.**

This petition has been filed for setting aside the order dated 24.04.2017 (Annexure P-1) passed by the Additional District Judge, Ferozepur, whereby application filed by defendant No.2-Jaswant Kaur (respondent No.1 herein) under Section 5 of the Limitation Act has been allowed and delay in filing of the appeal has been condoned.

A perusal of the impugned order (Annexure P-1) shows that applicant-Jaswant Kaur is an NRI and she had appointed an Attorney namely, Harpreet Singh son of Harcharan Singh, resident of village Talwandi Nepalán, to manage her property and contest the suit on her behalf. He had filed the written statement, but the lower appellate Court, after going through the record, found that no evidence was led on behalf of defendant No.2-Jaswant Kaur. After coming to India on 11.11.2015, respondent No.1-Jaswant Kaur applied for certified copy of the judgment dated 27.04.2015, which was delivered to her on the same day i.e. 23.11.2015. Thereafter, she filed an appeal on 23.12.2015. Delay in filing of the appeal was caused on account of the conduct of General Power of Attorney, who did not assist her in a proper manner. Moreover, no evidence

was led on her behalf.

The only ground for challenging the impugned order is that in the initial application (Annexure P-3), defendant-Jaswant Kaur had taken a plea that on 30.11.2015, she had contacted her counsel and came to know about passing of the judgment. There is no explanation as to why she did not file an appeal immediately after getting certified copy of the judgment dated 27.04.2015.

The delay has been condoned keeping in view that the General Power of Attorney had led no evidence on behalf of defendant No.2-Jaswant Kaur. While condoning the delay, it has been further observed that a fair hearing must be given to everyone to get his pleas decided on merits and technicalities should not come in the way of dispensation of justice.

Having examined the impugned order, no illegality, much less perversity has been found therein warranting interference by this Court.

Dismissed.

10.08.2017  
ajp

(RITU BAHRI)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |