

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CR No.8327 of 2014

Date of decision:13.7.2017

Haryana State Small Industries & Export Corporation Limited
...Petitioner

Versus

M/s Majithia Shoes and another
...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Amit Jaiswal, Advocate for the petitioner.
Mr.Karan Pathak, Advocate for respondent No.1.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 27.1.2014 (Annexure P-9), whereby an application for restoration of the petition as well as application for condonation of delay in filing the application for restoration were dismissed, petitioner has approached this Court by way of instant civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued.

Heard learned counsel for the parties.

A bare combined reading of the order dated 23.7.2007 (Annexure P-2) and order dated 1.2.2008 (Annexure P-4) would make it crystal clear that had the learned trial court appreciated the basic rule of law that endeavour should be made to decide the case on merits instead of technicalities, the suit would have been decided on merits long back. It has gone undisputed before this Court that the petitioner-corporation came to be closed about 15 years back and only the pending litigation was being pursued by the skeleton staff, which was retained only for the limited

purpose, so as to pursue the pending litigation. In view of these undisputed facts and circumstances of the case, this Court is of the considered opinion that the impugned orders contained in Annexures P-2, P-4 and P-9 are not sustainable in law and the matter deserves to be decided on merits so as to put the controversy to its logical end.

It is the settled principle of law that rules of procedure are meant for advancing the cause of justice. Every court of law must make an endeavour to grant reasonable opportunities to both the parties to put up their best case before the court. Nobody should be forced to go home with the grievance that sufficient opportunity was not granted by the court. By following this principle of law, learned court would achieve twin objects i.e. (i) it would avoid multiplicity of litigation between the parties and (ii) the court would be in a better position to do complete and substantial justice between the parties.

In view of the above and without going further in unnecessary details, it is suffice to note that since the learned trial court failed to appreciate the true facts of the case and impugned order has been found suffering from patent illegality, the same cannot be sustained. Accordingly, all the three orders dated 23.7.2007 (Annexure P-2), order dated 1.2.2008 (Annexure P-4) and order dated 27.1.2014 (Annexure P-9) are hereby set aside.

Consequently, petition filed by the petitioner-corporation for making the award rule of the court would stand restored to its original number. The learned trial court is directed to decide the case on merits. Since the matter is pending between the parties for quite some long time, the learned trial court is directed to expedite the matter and decide it as early as

possible. Parties are directed to appear before the learned trial court on 31.7.2017.

Resultantly, with the observations made above and directions issued, the instant revision petition stands allowed, however, with no order as to costs.

13.7.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No