

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.8779 of 2014 (O&M)
Date of Order:10.10.2017

State of Punjab and others

..Petitioners

Versus

Gurmeet Kaur and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pawan Sharda, Sr. DAG, Punjab
for the petitioners.

Mr. Ghulam Nabi Malik, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J (Oral)

C.M.No.28817-CII of 2014

Prayer in this application is for condonation of delay of 03 days
in filing the revision.

For reasons mentioned in the application, which is supported by
an affidavit, the delay of 03 days in filing the revision is condoned.

Application is allowed.

Civil Revision No.8779 of 2014

State of Punjab is in revision petition against the order dated
07.07.2014, passed by the Additional District Judge, Ludhiana, dismissing
application for condonation of delay in filing the first appeal.

Plaintiff had filed a suit claiming certain service benefits. In
the suit, State of Punjab and its officials were proceeded against ex-parte

and ex-parte decree was passed to the effect that order dated 07.04.2006 passed by defendants no.1 and 2 is illegal, null and void and not binding on the plaintiff. Further direction was issued to defendants no.1 and 2 to reinstate the plaintiff on her job.

State of Punjab and its officials filed an appeal. The appeal was accompanied by an application for condonation of delay. It was asserted in the application that State of Punjab came to know of the decree when State of Punjab was served with a notice in the execution petition. Detailed reasons were given as to how State of Punjab gathered knowledge of the decree.

Learned first appellate Court has chosen not to condone the delay. In my considered opinion, once an application for condonation of delay filed by the State of Punjab did contain certain cogent reasons for seeking condonation of delay, the learned first appellate Court should not have taken a narrow view of the matter. It has been held by the Hon'ble Supreme Court that while condoning the delay particularly on an application filed by the State Governments or the Public Sector Undertakings, the Court should adopt a liberal view. It was specifically pleaded by the State that it acquired knowledge of the ex-parte decree when it was served in the execution petition. The application seeking condonation of delay was supported by an affidavit.

Taking into consideration the aforesaid facts, the order passed by the learned Additional District Judge, Ludhiana, dismissing the application for condonation of delay as well as the appeal is set aside.

Learned Additional District Judge, Ludhiana, is directed to decide the appeal expeditiously on merits after hearing both the sides.

Parties through their counsels are directed to appear before the learned Additional District Judge, Ludhaina, on 01.11.2017.

October 10, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No