

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-A-897-MA of 2017 (O&M)
Date of decision: 17.07.2017

Gajraj Singh

..... Appellant

Versus

Kailash Chand

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Abhishek Yadav, Advocate
for the appellant.

RAMENDRA JAIN, J. (ORAL)

CRM-14361-2017

There is a delay of 15 days in filing the appeal.

For the reasons mentioned in the application, duly supported by an affidavit, the same is allowed and the delay of 15 days in filing the accompanying appeal is condoned.

CRM-A-897-MA of 2017

The instant appeal has been filed against the order of dismissal of complaint for want of prosecution vide order dated 20.01.2017.

Learned counsel for the applicant contends that the applicant could not appear on 20.01.2017 on account of noting down wrong date by his counsel. The trial Court ought not to have dismissed the complaint for a single default of non-appearance of the complainant.

Heard.

The absence of the appellant on a single date does not seem to

be willful or deliberate, rather he has absented on account of noting down wrong date of hearing by his counsel. Considering the above fact, the impugned order dated 20.01.2017 is set aside and the complaint of the appellant titled as 'Gajraj Singh Vs. Kailash Chand' is ordered to be restored to its original number. Learned trial Court is directed to proceed with the same in accordance with law.

Appellant is directed to appear before the trial Court on 31.07.2017.

The appeal is disposed of accordingly.

17.07.2017

Dinesh Bansal

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No