

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

(Sr. No.251)

CRM-M-35891-2015

Date of Decision:-March 8, 2017

MUJADDIDI EDUCATIONAL SOCIETY & ORS

.....Petitioners

V/S

THE CHIEF EDITOR, AAJ SAMAJ & ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. Hemen Aggarwal, Advocate for the petitioners.

Mr. Fateh Saini, Advocate for respondent No. 2.

A.B. Chaudhari, J. (Oral)

Seen the explanation tendered by Shri Sanjay Sachdeva pursuant to the order dated 22.2.2017. Taken on record. The same is satisfactory. Notice to him is discharged.

Rule. Heard forthwith looking to the nature of the matter.

What is challenged in the present petition is the order made by learned Additional Sessions Judge on 5.6.2015 by which he dismissed the application for condonation of delay in filing the revision petition against the order dated 17.5.2014. The order that was impugned in the revision was made on 17.5.2014 and as stated in para 2 of the application, certified copy of the order was applied on 23.5.2014 and the same was supplied on 2.7.2014. This statement was never rebutted by the contesting respondents before the Sessions Court. The revisional court erroneously held that the limitation for filing the revision before the Sessions Court was 30 days contrary to Article 131 of the Limitation Act which provides for limitation

of 90 days. Learned counsel for the contesting respondent submits that even if the limitation of 90 days is taken into account, still the revision was barred by limitation by six days. In my opinion, the statement in para 2 of the application not being contested that the certified copy of the order was applied on 23.5.2014 and the same was supplied on 2.7.2014, the revisional court was obviously entitled to deduct the days spent in obtaining the certified copy from the date of the impugned order in the revision i.e. 17.5.2014. In that event, the revision was filed within 90 days and therefore the following order is inevitable:-

ORDER

- (i) CRM-M-35891-2015 is allowed;
- (ii) the impugned orders are quashed and set aside;
- (iii) the application for condonation of delay in filing the revision is allowed;
- (iv) the Sessions court shall now register the revision for hearing on its own merits;
- (v) disposed of.

March 8, 2017

Rajeev

(A.B. Chaudhari)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No