

CRM-M-5329-2017

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

(Sr. No.304)

CRM-M-5329-2017
Date of Decision:-April 18, 2017

Kapil Sharma

.....Petitioner

V/S

State of Haryana

.....Respondent

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

Present : Mr. Kunal Dawar, Advocate,
for the petitioners.

Mr. Arjun Singh Yadav, AAG Haryana.

Mr. Kulbhushan Sharma, Advocate,
for the complainant.

A.B. Chaudhari, J. (Oral)

Rule. Heard forthwith with the consent of the counsel for the
contesting rival parties.

This Court had made an order dated February 17, 2017 which
reads thus:-

*“Heard learned counsel for the petitioner.
Learned counsel for the petitioner submits
pointing out my attention to the zimni orders. According
to him, zimni orders clearly show that the notice to the
petitioner was never served in respect of the revision
which was ultimately decided ex-parte vide order dated
02.09.2016.
Acting on the said statement, issue notice of
motion returnable on 07.03.2017.
Process dasti.”*

Learned counsel appearing for the complainant who is not a
party in this case makes a statement that whatever has been recorded in the
order dated February 17, 2017, regarding service of the revision on the

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petitioner, is correct on facts. Apart from that I have perused the zimni orders which also show that the petitioner was not served with the revision and as such the revision filed by the State of Haryana was decided without hearing the petitioner.

In that view of the matter, without going into the merits of the matter, I make the following order.

ORDER

1. The present petition is allowed in part.
2. The impugned judgment and order dated 02.09.2016 passed by the trial Court is quashed and set aside. The proceedings of revision are remitted to the revisional Court for fresh hearing and disposal according to law.
3. The parties shall appear before the revisional Court on 19.05.2017 and revisional Court to take up the revision on merits and decide the same according to law after hearing all the parties.

Disposed of.

April 18, 2017
Pankaj

(A.B. Chaudhari)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No