

CWP No.12413 of 2017

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.12413 of 2017

Date of decision:01.06.2017

Bant Singh

... Petitioner

Vs.

Financial Commissioner, Revenue, Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Jatinder Singla, Advocate, for the petitioner.

AMIT RAWAL J. (Oral)

The grievance of the petitioner is that ROR bearing No.1007 of 2019 was dismissed in default, vide order dated 20.02.2017 and an application for restoration (Annexure P-3) was moved on 10.05.2017 along with an affidavit and application for condonation of delay (Annexure P-7). The written submission was also made but vide impugned order dated 22.05.2017 (Annexure P-10) without hearing other party and giving any reasons dismissed the application for restoration and reason so given is that no satisfactory reply has been given by the petitioner's counsel regarding delay of 45 days, though vide application accompanied by an affidavit has explained the justified cause for non-appearance.

Notice of motion.

Mr. Yatinder Sharma, Additional Advocate General, Punjab accepts notice on behalf of the respondents-State.

I have heard learned counsel for the parties and appraised the paper book.

The impugned order dated 22.05.2017 dismissing the restoration application being barred by law of limitation reads as under:-

“Mis. 113 of 2017

ROR No.1007 of 2010

Present: Sh. Jatinder Singla, Advocate for the petitioner.

Restoration application filed in the case by the petitioner's counsel is dismissed after consideration because no satisfactory reply has been given by the petitioner's counsel regarding delay of 45 days.”

Such an order at the behest of officer of rank of Financial Commissioner Punjab is not expected to be passed. He is required to ponder upon the contents of the application, affidavit accompanied, much less the written submissions and yet could have disposed of, in not agreeing with the contention but the order is bereft of reasoning aforementioned.

In view of the aforementioned observations, the order dated 22.05.2017 is hereby set aside and the matter is remitted to the Financial Commissioner Punjab to decide the applications for restoration and condonation of delay afresh by an objective consideration.

The writ petition stands disposed of in the aforementioned terms.

(AMIT RAWAL)
JUDGE

June 01, 2017

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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No