

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.25254 of 2014

Date of Decision: January 20, 2017

Narinder Singh

...Petitioner

Versus

AEGON Religare Company Ltd., Mumbai & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.O.P.Gupta, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Mr.Vaibhav Narang, Advocate has put in appearance on behalf
of respondent Nos.1 and 2 and filed his Vakalatnama.

The petitioner is aggrieved of the impugned order dated
10.1.2014 (Annexure P-4), whereby the application filed on 23.12.2013
under Section 22-C of the Legal Services Authorities Act, 1987 had been
dismissed in default with the following observations:-

*“The notice could not be sent to the respondents as the copies
of the application were not filed by the applicant and when
asked to file the same, the Ld.counsel for the applicant has
stated that the applicant is not bound to file the copies of the
application. Thereafter, he started shouting in the Adalat by
saying that this Adalat could not do justice with the applicant,
therefore, this application might be dismissed and left the
Adalat. Hence, in view of this position, the application is
hereby dismissed for want of prosecution. File be consigned to
the record room after due compliance.”*

Mr.O.P.Gupta, learned counsel for the petitioner submits that
the order passed is on account of the fault of the lawyer. The petitioner
should not be made to suffer for such action.

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

I am of the view that the aforementioned order should not have been passed by taking into consideration the behaviour of the counsel. The parties are to advance justice for redressal of their grievances, but not in the manner and mode adopted.

Resultantly, order dated 10.1.2014 (Annexure P-4) is set-aside. Case No.1620 of 2013 is ordered to be restored.

Writ petition stands allowed.

January 20, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No