

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

CWP No.2350 of 2017  
Date of decision : 12.05.2017

Parkash Chand

...Petitioner

Versus

Financial Commissioner, Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.**

Present: Mr. Zorawar Singh Chauhan, Advocate for the petitioner.

Mr. T.N. Sarup, Addl. A.G. Punjab.

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**AMIT RAWAL, J. (Oral)**

Private respondent has already been served.

As per order dated 28.02.2017 passed by this Court, no one has put in appearance.

The grievance of the petitioner in the present writ petition is to the orders dated 13.07.2016 (Annexure P-6) and 14.12.2010 (Annexure P-5), whereby the petition filed under Section 15 of the Punjab Package Deal Properties (Disposal) Act was dismissed in default for non appearance on 14.12.2010 and restoration of the same along with delay of 1874 days has been dismissed.

Mr. Zorawar Singh Chauhan, learned counsel appearing on behalf of the petitioner submits that as per the averments made in para No.3 of the petition that previous counsel did not inform about the outcome of the petition i.e. dismissed in default and in this process, delay of 1874 days had occurred and on acquiring the knowledge in 2015 that the previous counsel

was giving false dates on telephone and after having actually made enquiry, it was found that petition was dismissed in default and after engaging the new counsel, the application was filed but same has been dismissed. In support of his contention, he has relied upon ratio decidendi culled out in *Rafiz and another Vs. Munshi Lal and another, 1981 SC 1400* and *Himalayan Cooperative Group Housing Society Vs. Balwan Singh, 2015(7) SCC 373*.

I have heard learned counsel for the petitioner and also the State Counsel who opposed the present writ petition on the ground that delay of 1874 days has gone unexplained and no justification has come forward.

In order to prevent miscarriage of justice and to render justice, in my view, it would be appropriate to grant opportunity to the petitioner to seek vindication of the grievance as indicated in the petition under Section 15 of the Act as he cannot be made to suffer on the lapse of the counsel in view of the ratio decidendi culled out in the judgments cited (Supra). Though application for restoration was moved after six years.

Resultantly, impugned orders dated 13.07.2016 (Annexure P-6) and 14.12.2010 (Annexure P-5) are set aside.

The main petition bearing MR No.21 of 2010 is ordered to be restored.

Accordingly, present writ petition stands allowed.

**12.05.2017**

*Pawan*

**(AMIT RAWAL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**