

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

**CWP No.6250 of 2017
Date of decision:27.03.2017**

Jagmal

... Petitioner

Vs.

Financial Commissioner, Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Shiv Kumar, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Learned counsel for the petitioner submits that restoration application has been dismissed on the premise that ROR was dismissed in default on 11.05.2016, however, in the application date mentioned is not matching

I am of the view that such technicality should not come in the way of the party as the matter could have been decided on merits. I do not deem it appropriate to issue notice of motion to the respondents in order to defray the costs of litigation as it would unnecessarily delay the adjudication of the lis.

In order to prevent miscarriage of justice and do justice, I remand the matter back to the Financial Commissioner to decide ROR afresh on merits after hearing contesting parties in accordance with law for preliminary hearing within a period of three months from the date of receipt

of certified copy of this order.

Accordingly, the impugned orders dated 17.08.2016 and 11.05.2016 are set aside.

The parties through their counsel are directed to appear before the Financial Commissioner on 17.04.2017.

Writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

March 27, 2017
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No