

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

Civil Revision No.1031 of 2018.
Decided on:-February 16, 2018.

Manjit Ice Factory.

.....Petitioner.

Versus

Punjab State Power Corporation Limited and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Rajinder Sharma, Advocate
for the petitioner.

HARI PAL VERMA, J.

The petitioner has filed present revision petition under Article 227 of the Constitution of India for setting aside the order dated 04.12.2017 passed by learned Additional District Judge, Amritsar, whereby the application filed by the petitioner seeking condonation of delay of 14 days in filing the appeal was dismissed for want of costs.

Learned counsel for the petitioner has argued that vide order dated 29.11.2017, learned lower appellate Court has though condoned the delay in filing the appeal, but subject to payment of costs of Rs.5,000/- and the case was adjourned to 04.12.2017. In this manner, on 04.12.2017, the petitioner was required to deposit the costs as imposed by learned lower appellate Court, but on that day i.e. 04.12.2017, the petitioner could not deposit the costs, as he was down with high grade fever and hypertension

with BP 180/100. He was feeling nausea and uneasiness and the doctor had advised him to take rest for 2-3 days. In support of his contention, he has referred to the copy of medical certificate dated 04.12.2017 (Annexure P-2) issued by the Amritsar Sewa Samiti (Regd.).

Learned counsel for the petitioner undertakes that the petitioner is ready to deposit the costs so imposed by learned appellate Court vide order dated 29.11.2017. The non-deposit of costs is not intentional but it was in the given circumstances that the petitioner was not well and thus, he could not deposit the costs.

I have heard learned counsel for the petitioner.

Though notice of this petition was required to be issued, but in view of the fact that it would further delay the proceedings, requirement of notice is being dispensed with at this stage.

Considering the stage of the suit as well as in the light of Article 227 of the Constitution of India, whereby this Court has superintending powers over the Courts below, this Court finds that the ends of justice would be met in case the petitioner is granted one more opportunity to deposit the costs to be imposed by this Court.

Accordingly, the impugned order dated 04.12.2017 passed by learned lower appellate Court is set aside and the present civil revision is disposed of with a direction to the petitioner to deposit the costs of Rs.10,000/- before the lower appellate Court on or before 05.03.2018. In case the petitioner deposits the costs of Rs.10,000/- on or before 05.03.2018, the

order dated 04.12.2017 passed by learned lower appellate Court shall not be given effect and the appeal shall be heard on merits.

February 16, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No