

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

**CR No. 4012 of 1999 (O&M)**

**Date of Decision: 02.05.2018**

The Dhuri Cooperative Marketing-cum-Processing Society Ltd., Dhuri  
through its Manager

.....Petitioner

**Versus**

Pat Ram through his LRs and others

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Sourabh Goel, Advocate  
for the petitioner.

Mr. D.K. Singal, Advocate  
for respondents no. 1(i), 2 (i) and 2(ii).

Mr. Kanwal Goyal, Advocate  
and Mr. Aman Mittal, Advocate  
for respondents no. 3 and 4.

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**SURINDER GUPTA, J.**

This is revision against order passed by Appellate Authority, Sangrur (under the East Punjab Urban Rent Restriction Act, 1949), whereby in the appeal filed by revision-petitioner against order passed by learned Rent Controller, Dhuri alongwith application of revision-petitioner seeking condonation of delay in filing the appeal was declined and consequently, the appeal was also dismissed. The factum of delay in filing the appeal finds mentioned in para 8 of the order of Appellate Authority, which is reproduced as follows:-

*“8. After excluding the time from 15.6.95 (date of application for supply of copy) to 19.6.95 (date of preparation of certified copy of the judgment), it appears that limitation for filing appeal expired on 13.7.195. Since Civil courts were closed form 16.6.95 to*

*15.7.95 for summer vacation, the appeal could be filed on 16.7.95, when the civil courts reopened after vacation. It was actually filed on 10.8.95.”*

2. Appellate Authority while dismissing the appeal of revision-petitioner observed that appellant has failed to prove that there are sufficient grounds for condonation of delay in filing the appeal.

3. Admittedly, ejectment petition filed by revision-petitioner was dismissed by learned Rent Controller on 09.06.1995. The application for obtaining certified copy of order was filed on 15.06.1995, which was prepared on 19.06.1995 and delivered on 18.07.1995.

4. Learned counsel for revision-petitioner has argued that there were vacations in Court from 16.06.1995 to 15.07.1995, as such, certified copy despite preparation could not be collected till 18.07.1995. Thereafter, the matter was put up before the Managing Committee for permission to file the appeal. 15 days notice was required to all members of the Managing Committee of the Society to call the meeting. After calling meeting, decision to file the appeal was taken and without further delay the appeal was filed.

5. The revision-petitioner has sought ejectment of respondents-tenants from the demised premises on the grounds as prescribed under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, which was dismissed by learned Rent Controller. Though, there was delay in filing the appeal but the same was explained by revision-petitioner. Delay was not to that extent that any inference could be drawn that it was either intentional or motivated. Perusal of order passed by Appellate Authority shows that it has not appreciated reasons put-froth by the revision-petitioner while explaining

the delay. The revision-petitioner is a Cooperative Society, registered under

the Punjab Cooperative Societies Act. Delay in filing the appeal was caused due to procedural tangles involved in taking permission to file the appeal. No prejudice was caused to respondents-tenants due to late filing of the appeal and revision-petitioner has not gained in any manner on this score. Instead of deciding the matter on merit and looking into reasons put-forth by revision-petitioner explaining the delay, the Appellate Authority in a very casual manner observed that the revision-petitioner has not been able to explain the delay in filing the appeal.

6. Keeping in view facts and circumstances of the case, I am of the considered opinion that it will be appropriate and in the interest of justice that appeal filed by revision-petitioner is decided on merit, instead of dismissing the same on the ground of delay in filing the same particularly when no prejudice has been caused to respondents-tenants due to delay in filing the appeal.

7. In view of above facts, the instant revision-petitioner is allowed and impugned order passed by Appellate Authority is set aside. The case is remitted to Appellate Authority, Sangrur for decision of appeal on merit. Parties are directed to appear before the Appellate Authority, Sangrur on 28.05.2018. Appellate Authority will hear the parties and decide the appeal afresh.

**May 02, 2018**

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**( SURINDER GUPTA )  
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No