IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

257

CR No.1969 of 2017
Date of decision: 22.05.2018

Hansa Singh **..... Petitioner**

Versus

Baljit Kaur **..... Respondent**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Vivek Salathia, Advocate
for the petitioner.

None for the respondent.

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ANIL KSHETARPAL, J. (ORAL)

The appeal filed by the petitioner against the order passed by the learned trial Court rejecting the application to sue as an indigent person under Order 33 of the Code of Civil Procedure, has been dismissed on the ground of delay.

Learned counsel for the petitioner has pointed out that against the order passed by the learned trial Court dated 05.02.2013, due to wrong advice, a revision petition was preferred in the High Court which was returned with the objection by the office of this Court on the ground that the order is appealable. However, learned counsel who was engaged by the petitioner neither informed the petitioner nor returned his brief. Hence, the prayer for condonation of delay was made.

The learned First Appellate Court has dismissed the application on the ground that the delay is huge.

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No doubt, the delay is almost one year and six months, however, taking into consideration the fact that the application for permission to sue as an indigent person has been dismissed and the petitioner has challenged the aforesaid order due to wrong advice in a revision petition rather than filing the appeal, this Court is of the view that the petitioner deserves opportunity to contest the appeal on merits.

In view thereof, the order under challenge is set aside.

Learned First Appellate Court is requested to decide the appeal on merits after issuing notice to the respondent.

Revision petition is allowed.

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned Yes / No

Whether Reportable Yes / No

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