

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 2642-2018 (O&M)

Date of decision: 25.04.2018

Rameshwar Lal and others

.....Petitioners

versus

Mandir Saman Nath Nar Singhpuri Parhladpuri @ Mandir Nar Singh
Puri

.....Respondent

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Saurabh Bajaj, Advocate for the petitioners

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present revision is the order dated 26.3.2018 passed by learned Financial Commissioner, Haryana, vide which, application for restoration of the revision was dismissed.

Heard.

It comes out that the revision was fixed for arguments on 11.5.2016. None appeared on behalf of the present petitioner and ultimately, the revision was dismissed in default by passing the following order:-

Present: None

The case was fixed for arguments today. Neither the counsel nor the petitioner come present. No written request is received for adjournment. Case called a number of times till the rising of the Court. The revision petition is dismissed in default for non appearance of petitioner."

An application was filed for restoration, which was dismissed vide order dated 26.3.2018 by passing the following order:-

The case was fixed for restoration today. Shri Yowan Sharma, Advocate, counsel for the petitioners is present. Heard the counsel for the petitioner. During hearing he informed that the petitioner is a Cancer patient and is being treated at different Hospitals in Delhi. I am not satisfied with his submissions as he has already given Vakalatnama to his Counsel and if the petitioner could not attend the Court, atleast he or his counsel could make a written request for adjournment. It is only a delaying tactics. The case is already disposed off. I am not inclined to restore the above said case. Hence dismissed.

It comes out that the revision was fixed for arguments. Assuming that no counsel appears for the petitioner, the Financial Commissioner was competent to dispose of the same on merits after going through the file recording that nobody has come to assist the Financial Commissioner Haryana on merits. In the impugned order, it is recorded that the petitioner was suffering from Cancer, therefore, it is possible that the petitioner could not give appropriate instructions to the counsel and the counsel also did not appear. The negligence of the counsel is no ground to refuse the restoration.

It being so, the impugned order dated 26.3.2018 is set aside and the revision is restored, to be decided on merits.

The present revision petition is allowed accordingly.

24.04.2018
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes
No