

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

**CR No.281 of 2017
Date of Decision : 15.05.2018**

Smt. Sushma and another

.....Petitioners

Versus

Smt. Sushila and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr.C.B.Goel, Advocate for the petitioners.
Mr. Zorawar Singh, Advocate for the respondents.

ARUN PALLI, J. (Oral)

The petitioners-defendants are in revision against the order dated 9.12.2016, rendered by the Additional District Judge, Gurgaon, vide which, the application moved by the respondents/plaintiffs for condonation of delay in filing the appeal has since been accepted.

Concededly, the suit filed by the respondents/plaintiffs was dismissed by the trial Court, vide judgment and decree dated 31.10.2013. But, vide a common judgment the counter claim preferred by the petitioners/defendants had since been accepted. It is not disputed that the respondents preferred an appeal only against the decree dismissing their suit, whereas no appeal was preferred against the decree accepting the counter claim. However, while the appeal preferred by the respondents was still pending they sought to file another appeal against the decree, accepting the counter claim along with an application seeking condonation of delay. And, on a consideration of the matter in issue the Appellate Court has since

condoned the delay, for it was on account of an inadvertent and a bona fide error, the respondents could not file the appeal earlier. Further, the respondents could not be made to suffer on account of the ill advised of the counsel. And the other appeal preferred by the respondents was still pending.

During the course of hearing, learned counsel for the parties have reached a consensus that let this revision be disposed of only with a direction to the Appellate Court to consider and decide both the appeals within a specified time and the cost awarded by the Appellate Court while accepting the application for condonation of delay suitably be enhanced.

In conspectus of the above, the revision petition is disposed of. The Appellate Court is requested to consider and decide the appeals, referred to above, within a period of three months from 25.05.2018, when the parties shall cause appearance before that Court. As noticed above, the cost of Rs.1,000/-, awarded, in terms of, the impugned order dated 9.12.2016, is enhanced to Rs.25,000/-, which shall be a condition precedent to pursue the appeal in question.

15.05.2018

*Manoj Bhutani***(ARUN PALLI)****JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No