

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

**CR No.2852 of 2018
Date of Decision: 12.07.2018**

**Haryana Small Industries and Export Corporation Limited
and another**

.... Petitioners

Versus

M/s Grover Industries

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. D.K.Singal, Advocate
for the petitioners.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred by the petitioners against the order dated 21.12.2017 passed by Civil Judge (Senior Division), Sonapat, dismissing the application for restoration of Application No.66/5 RBT dated 26.04.1997.

[2]. The pleaded case of the petitioners was that the application for summoning the original award was dismissed in default by Civil Judge (Senior Division), Sonapat vide order dated 07.06.2004. In the year 2002, State of Haryana passed an order for winding up Haryana Small Industries and Export Corporation Limited and merged the same with HSIDC now termed as HSIIDC. All the assets and liabilities were taken over

by HSIIDC. Some incriminating facts were also pleaded by the party and denied by the opposite party. Ultimately, the question crystalized to the fact when the petitioner got knowledge about the previous proceedings and filed the application in question for restoration of Application No.66/5 RBT dated 26.04.1997. The award was passed on 17.02.1997.

[3]. As per material available on record, the plaintiff/respondent filed an application for obtaining information under Right to Information Act. The same was supplied with the intervention of the State Commissioner. The knowledge came to be conferred upon the petitioners in respect of previous proceedings on 15.05.2009. The limitation started running from that date onwards (even if facts of the petitioners are appreciated). The present application was filed only on 15.06.2012 i.e. after a period of more than three years. As per Article 122 of the Limitation Act, 1963, the limitation for restoration of the application was 30 days from the date of dismissal. The filing of application was held to be barred by limitation for which no plausible explanation was given. Mischief played by some officials/officers of the corporation cannot be credited to the disadvantage of the plaintiff who was prosecuting the case in a *bona fide* manner.

[4]. The findings recorded by the Civil Judge (Senior

Division), Sonapat cannot be faulted nor the same are suffered with any perversity or misreading of material on record. This revision petition is found to be totally devoid of merits and the same is accordingly dismissed.

July 12, 2018
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No