

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

CR No.3491 of 2016
Date of decision: 26.03.2018

Sumit Bansal

..... Petitioner

Versus

Hasan Deen and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Vipul Aggarwal, Advocate
for the petitioner.

Mr. Ashish Gupta, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The first appeal preferred by the petitioner has been dismissed by the Court while refusing to condone the delay.

It is not in dispute that the judgment under challenge before the learned First Appellate Court was passed on 27.04.2015. The petitioner applied for certified copy of the judgment and decree on 28.04.2015 i.e. on the next day and the same was delivered on 06.05.2015. Since the Court was closed in the month of June on account of summer vacations, the appeal was filed immediately on re-opening. The limitation for filing the first appeal is 30 days. While calculating this period of 30 days, the time spent on obtaining the certified copy is to be excluded. Therefore, the last day of limitation for filing the first appeal fell during summer vacations. The appeal was filed on the opening day.

In view thereof, the order passed by the learned District Judge

is erroneous and hence, set aside.

The learned First Appellate Court is directed to decide the appeal on merits.

Parties through their counsel are directed to appear before the learned First Appellate Court on 16.04.2018.

Revision petition is allowed.

26.03.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No