

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

**CR No.3309 of 2018 (O&M)
Date of decision : May 17, 2018**

Mohanjit Singh

..... Petitioner

Versus

Hazura Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Harinder Sharma, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 30.04.2018 (Annexure P-1) passed by the learned Addl. District Judge, Rupnagar, whereby an application of the petitioner for condonation of delay in filing the Civil Misc. Appeal, impugning the order dated 17.08.2015 (Annexure P-4) passed by learned Civil Judge (Jr. Divn.), Rupnagar, on an application filed under Order XXXIX, Rule 1 and 2 CPC, 1908, was dismissed.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

It comes out that on the application filed by the plaintiff under Order XXXIX, Rule 1 and 2 CPC, 1908, an order was passed by the learned Civil Judge (Jr. Divn.), Rupnagar on 17.08.2015. A perusal of the said order shows that his counsel Shri Pardeep Sahai was present and it was after hearing him that the order was passed. The plaintiff challenged the said order after a delay of 335 days.

Learned counsel for the petitioner contends that in fact, the petitioner had engaged one Shri Harjit Sahai, Advocate. Shri Pardeep Sahai,

Advocate is the brother of Shri Harjit Sahai, Advocate. Both have separate practice in separate chambers. Therefore, he had never authorized Shri Pardeep Sahai, Advocate to appear on his behalf.

A perusal of the interim orders shows that Shri Pardeep Sahai, Advocate, is pursuing the case. In the power of attorney, the Advocate is given authority to engage another counsel to appear on his behalf. Since, Shri Harjit Sahai and Shri Pardeep Sahai are real brothers, therefore, it is apparent that Shri Pardeep Sahai might be attending the cases of his brother. Therefore, this ground is not available to the petitioner.

His plea is that there was interim orders, where there was no mention about the impugned order, is also no ground. Since the impugned order is not required to be repeated in every subsequent order, the plea that learned counsel did not inform him is also not acceptable.

The learned Addl. District Judge, Rupnagar had framed the issues and thereafter, decided the matter. There is no ground to interfere in the said order.

As such, the present revision petition is dismissed.

However, the learned Civil Judge (Jr. Divn.), Rupnagar is directed to dispose of the said civil suit expeditiously, preferably within six months.

Since, the main revision petition has been dismissed, therefore, the pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

May 17, 2018

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No