

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

C.R.No.4187 of 2016

Piare Lal & Ors.

...Petitioners

Versus

State of Punjab and Anr.

....Respondents

Date of Order: 13.12.2018

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Karan Gupta, Advocate for the petitioners.

Mr. IPS Doabia, Addl.AG, Punjab.

Mr. Sunil Kumar Sharma, Advocate for respondent No.2.

AMIT RAWAL, J (ORAL)

CM No.27215-CII of 2018

Application is allowed as prayed for.

C.R.No.4187 of 2016

Present revision petition is directed against order dated 21.5.2016 passed by learned Addl. District Judge, Patiala vide which application filed by the petitioner for restoration of the execution petition, which was dismissed in fault on 11.1.2013, has been dismissed.

Learned counsel for the petitioner submitted that the application was filed within the stipulated period, thus the execution petition filed by the petitioner deserves to be restored. More over no harm and injury would be caused to the respondent if the impugned order is set aside and the petition is heard on merits.

Per contra, learned counsel for the respondents has fully

supported the impugned order thereby opposing the prayer of the petitioners.

After hearing learned counsel for the parties and appraising the paper book, I find force and merit in the present petition, for, the learned trial Court ought not have declined the request arbitrarily as it could have been allowed subject to any term and condition. The trial Court remained unmindful of the fact that the restoration application was filed immediately after the execution petition was dismissed in default i.e on 24.1.2013. Technicalities should not come in the way of the parties rather it would be in the interest of justice and fair play if the execution petition is restored.

Accordingly, present petition is allowed and the impugned order dated 21.5.2016 is set aside. Execution petition shall stand restored to its original number.

December 13, 2018
manoj

(AMIT RAWAL)
JUDGE

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