

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

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CR No.5458 of 2014 (O & M)
Date of Decision:11.10.2018

Pawan Kumar and another

...Petitioners

Versus

Raj Pal Sharma

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Divanshu Jain, Advocate
for the petitioners.

Mr. Vinod K. Verma, Advocate
for the respondent.

ANIL KSHETARPAL, J.(Oral)

Landlord-petitioner is in the revision petition against the order passed by the learned Appellate Authority refusing to condone the delay of 80 days in filing the first appeal. Learned Appellate Authority has taken a very narrow view on the entire matter. It was pleaded by the petitioner-landlord that his previous counsel did not inform him about the result of the case resulting in delay in filing of the appeal. Application for condonation of delay was supported by an affidavit. Apart from other things, it is well settled that the Courts must make a sincere endeavour to decide the cases on merits rather than on technicalities.

Appellate Authority is the last Court to appreciate the evidence. In such circumstances, the Appellate Authority clearly erred in refusing to condone the delay and hear the appeal on merits.

On this issue, further detailed deliberation is not required.

Revision petition is allowed.

The order under challenge is set aside. The delay in filing the first appeal is condoned.

The Appellate Authority is directed to decide the appeal within six months from the date of receipt of certified copy of the order.

Parties through their counsel shall appear before the Appellate Authority on 01.11.2018.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

11.10.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No