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

CR-6975-2017 (O&M)

Date of decision : 13.12.2018

Dev Dutt

... Petitioner

Versus

Haryana Urban Development Authority and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Mukesh Kumar Verma, Advocate
for the petitioner.

AMIT RAWAL, J.

The present revision petition is directed against the impugned orders dated 16.12.2016 and 17.01.2017 (Annexures P-7 and P-8), whereby the appeal preferred by the petitioner-plaintiff has been dismissed being time barred.

Learned counsel for the petitioner submitted that the lower Appellate Court has committed illegality and perversity in dismissing the appeal only on the ground that cost has not been paid, but the fact of the matter is that the petitioner paid the cost of ₹3000/- to the counsel Sh. K.K. Dhingra for depositing the same as per direction given in the order dated 16.12.2016, but the same was not deposited by the counsel, rather suffered the statement that the party has not come forward to pay it.

I have heard learned counsel for the petitioner-plaintiff and appraised the paper book and of the view that no doubt, the petitioner-plaintiff was negligent in complying with the order. However, in order to

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advance justice and prevent miscarriage of justice, I deem it appropriate to set aside the impugned orders, under challenge and the application is allowed and appeal is ordered to be restored to its original number subject to the payment of ₹3,000/- over and above the costs of ₹3000/- as ordered by the Court below, which shall be condition precedent.

The present revision petition is allowed.

13.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**