

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.7730 of 2016 (O&M)
Date of Order:21.03.2018

Ram Narain

..Petitioner

Versus

Smt. Phoolwati and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kanwar Satbir Singh, Advocate,
for the petitioner.

Mr. Ashish Gupta, Advocate,
for the respondents.

ANIL KSHETARPAL, J(Oral)

First appeal filed by the petitioner has been dismissed for non prosecution due to non-filing of registered covers enabling the court to issue notice. The appeal was dismissed for non-prosecution.

Learned counsel for the petitioner has submitted that the petitioner, who was appellant before the learned first appellate court, is an uneducated person and did not know that the registered cover is to be submitted. He submits that if one opportunity is granted, the registered covers would be submitted immediately.

On the other hand, learned counsel for the respondents has submitted that the petitioner is misusing the process of court and is trying to delay the decision of the case. He has submitted that the suit filed by the plaintiff-petitioner was dismissed and he is just keeping the litigation alive.

This court has considered the arguments.

The first appeal is a valuable right available with the parties to

get the evidence re-appreciated. The courts must make sincere efforts to decide the first appeal on merits rather than on technicalities. In the present case, no doubt, plaintiff-petitioner was at fault. However, taking into consideration the facts and circumstances of the case, it is considered appropriate that since now both the parties are being represented in this revision petition, the order under challenge is set aside.

Service of notice is complete. The learned first appellate court is requested to proceed to decide the appeal on merits. Parties through their counsel are requested to appear before the learned first appellate court on 06.04.2018.

While issuing notice of motion, this court had directed the petitioner to deposit costs of Rs.6000/- in the Registry of this Court, which has been deposited.

Registry is directed to remit the amount to the learned first appellate court and the same shall be payable to the respondents towards costs of this revision petition.

March 21, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No