

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CR No.8041 of 2018 (O&M)

Date of decision: 29.11.2018

Mewa Singh

..... Petitioner

Versus

Harpreet Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. G.S. Chahal, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The order passed by the learned Additional District Judge, Patiala of re-admitting the appeal which was dismissed for non-prosecution has been assailed in this Court. Previously, a revision petition preferred by the respondent was allowed subject to payment of cost of Rs.20,000/-. The case was fixed for 31.01.2018 which was declared holiday. The case was taken up on 30.01.2018 and adjourned to 07.02.2018. No doubt, it was the duty of the counsel to check the next date, however, the Court should have also been conscious of the fact that 31.01.2018, the date fixed was declared holiday, therefore, some sort of information should have been sent to the counsel. On 07.02.2018, the adjourned date since the respondent or his counsel did not appear, the Court dismissed the case for non-prosecution. The Court has now allowed the application subject to payment of cost.

The Courts must always make a sincere attempt to decide the cases on merits, rather than dismissing the same in default. Still further,

first appeal is a valuable right and effort must be made to decide the same on merits.

In view thereof, there is no ground to interfere.

Revision petition is dismissed.

29.11.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

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