

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

CWP No.30070 of 2017(O&M)
DATE OF DECISION:12.03.2018

Ujjwala Lather

...Petitioner

Vs.

State of Haryana & others

..Respondents

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Rajesh K. Sheoran, Additional A.G., Haryana
for respondent Nos.1 to 3.

Mr. M. S. Rana, Advocate for
Mr. Ashish Kapoor, Advocate
for respondent Nos.4 & 5.

None for respondent No.6.

Mr. Subhash Godara, Advocate
for respondent No.7.

DAYA CHAUDHARY, J.(ORAL)

Admittedly, the case was remanded by the Commissioner to the District Magistrate. The petitioner was not party before the Commissioner and the order was passed exparte but he was party before the District Magistrate. In case the petitioner is aggrieved by said order, he is having the alternative remedy to file the appeal and the same remedy has not been availed.

Dismissed as not pressed.

In view of the facts as mentioned above, the petitioner is at

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liberty to file appeal before the Commissioner.

Undisputedly, there is delay in filing the appeal because of not availing the appropriate remedy, However, in case the appeal is filed with an application for condonation of delay, the appellate authority is directed to consider the facts mentioned in the application for not availing the appropriate remedy.

12.03.2018
rimpal

(DAYA CHAUDHARY)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
Whether reportable:	Yes/No