

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

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**FAO-2780-2018 (O&M)
Date of Decision : 18.05.2018**

Gian Singh Appellant

Versus

Sukhwinder Singh and another Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Maneet Kumar Arya, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the order of the Additional District Judge, Gurdaspur dated 30.03.2018 dismissing an application for restoration of appeal.

Concededly the appeal had been filed in the year 2015. It was dismissed in default on 10.11.2016. An application was filed on 04.09.2017 i.e. after 9 months and 3 weeks approximately for restoration of appeal in which it was mentioned that the appellant had gained knowledge of the order of dismissal in default only one day prior i.e. 03.09.2017. Affidavit was also filed to this effect. The Court found this assertion to be blatantly false. The date on the application and the power of attorney had cuttings and after over writing on 24.05.2017 the date was mentioned as 04.09.2017.

Stamps affixed on application bore the date of 25.05.2017. The affidavit of the appellant was also attested on 24.05.2017.

This clearly showed that the appellant had knowledge of the order at least on 24.05.2017. Not only that, thereafter certified copy of the order dated 10.11.2016 was applied after about 2 months on 27.07.2017 and delivery thereof was taken on 02.08.2017. From the documents filed by the appellant himself it was clear that there were at least three prior dates on which he had knowledge of the order.

I have gone through the records. I find no fault with the findings of the court.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

May 18, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No