

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

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**CM-14706-C-2018 in/and
RSA-1824-2016 (O&M)
Date of Decision : 26.11.2018**

Jyoti

..... Appellant

Versus

Mohammad Nazir and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.D. Sharma, Advocate
for the applicant-respondents No.1 and 2.

Mr. Vishal Munjal, Advocate
for the non-applicant-appellant.

AJAY TEWARI, J. (Oral)

This is an application for recalling the order of admission. Counsel for the applicants-respondents No.1 and 2 states that the lower Appellate Court had dismissed the appeal of the non-applicant-appellant on the ground of delay and instead of getting this appeal pending for years on end, he would not oppose the prayer that the appeal be allowed and the matter be referred back to the lower Appellate Court to decide the appeal on merits. Counsel for the non-applicant-appellant states that he has no objection if this course of action is followed.

Consequently, the admission order dated 13.09.2018 is recalled. The application is allowed. The appeal is also allowed and the impugned order is set aside. The matter is remanded back to the lower Appellate Court for the decision of first appeal filed by the appellant on merits.

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

November 26, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No