

LPA no. 782 of 2017 (O&M) 1

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

LPA no. 782 of 2017 (O&M)

Date of Decision : 29.11.2018

Amir Educational Society

....Appellant(s)

Versus

Central Board of Secondary Education and another

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE LALIT BATRA**

Present : Mr. Hemen Aggarwal, Advocate for the appellant(s)

Mr.Harsh Aggarwal, Advocate for respondents

MAHESH GROVER, J.(ORAL)

The present appeal is directed against the orders passed by learned Single Judge in initially dismissing the writ petition for want of prosecution and finally also declining the prayer to recall the said order. The reason for declining the prayer of the appellant was filing a written request for adjournment without informing the opposite side and in the process giving an impression of a mis-representation to the Court.

Learned Single Judge has taken serious note of the default and rightly so. We would have no reason to dis-agree with him as it virtually sets down his anguish regarding the prevailing state of affairs where the Court process is taken casually. But purely in order to ensure justice, we deem it appropriate to grant one opportunity to the appellant to plead his case on merits.

Learned counsel for the respondents raises a serious objection

about the maintainability of the writ proceedings itself considering that on an earlier occasion the writ petition was filed on the same cause of action on behalf of the school by the name of Neo Convent Public School and the subsequent writ petition bearing no. 12146 of 2015 was filed on behalf of the society. The earlier writ petition filed under the name of School stood dismissed by the orders of the learned Single Judge.

We are of the opinion that since an opportunity has been given to the appellant, the respondents would also be at liberty to raise this objection before the learned Single Judge who would, needless to say, take into account such an objection. Impugned orders are set aside subject to payment of Rs.30,000/- as costs which shall be deposited in the account of Punjab and Haryana High Court Employees Welfare Association, within a period of one month from the date of receipt of certified copy of this order. Delay of 30 days in filing the instant appeal is hereby condoned.

Hence, instant appeal is hereby allowed.

List before the learned Single Judge on 8.2.2019.

(Mahesh Grover)
Judge

29.11.2018

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Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(Lalit Batra)
Judge