

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

**LPA No. 7735 of 2018 (O&M)  
Date of decision: 21.12.2018**

**Harjit Singh**

**... Appellant**

**Versus**

**State of Punjab and others**

**... Respondents**

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,  
CHIEF JUSTICE  
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Iqbal Singh Sidhu, Advocate,  
for the appellant.

**KRISHNA MURARI, CHIEF JUSTICE (Oral)**

**CM-5150-LPA-2018**

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 72 days in filing the accompanying appeal is condoned.

Application stands disposed of.

**LPA No. 7735 of 2018**

This intra-court appeal, under Clause X of the Letters Patent, is directed against the orders dated 07.9.2018 and 10.12.2018, passed by the learned Single Judge.

Vide order dated 7.9.2018, the writ petition filed by the appellant-petitioner was dismissed for want of prosecution. An application was moved to recall the said order, but the same was also dismissed, vide impugned order dated 10.12.2018.

**LPA No. 7735 of 2018 (O&M)**

It is submitted on behalf of the appellant-petitioner that when the matter was taken up on 7.9.2018, learned counsel for the petitioner was on his legs before some other Court, and as such, could not appear when the case was called out. However, the learned Single Judge, without appreciating the facts and only relying upon the fact that on some earlier occasions also no one had appeared on behalf of the petitioner, dismissed the recalling application.

In our considered, the cause shown for non appearance on 7.9.2018 in the restoration application, that the learned counsel was on his legs before some other court, was sufficient and good ground to recall the order, and defaults, if any, committed earlier, in no way, would constitute a ground to reject the restoration application.

In view of the aforesaid facts and in the interest of justice, we set aside the orders dated 7.9.2018 and 10.12.2018, passed by the learned Single Judge. The writ petition stands restored to its original number and the same is remitted to be adjudicated upon by the learned Single Judge on merits, in accordance with law.

**(KRISHNA MURARI)**  
**CHIEF JUSTICE**

**(ARUN PALLI)**  
**JUDGE**

**December 21, 2018**  
AK Sharma

Whether speaking / reasoned: YES  
Whether Reportable: NO