

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

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**CM Nos.6158 and 6159-CII of 2019 in/and
CR No.324 of 2003(O&M)
Date of decision: 18.10.2019**

Gurtej Pal Singh

...Applicant/petitioner

Vs.

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. H.N. Sahu, Advocate
for the applicant/petitioner.

Mr. Vishal Kashyap, AAG, Haryana.

RAJ MOHAN SINGH, J.(ORAL)
CM Nos.6158 and 6159-CII of 2019

The present applications have been filed for condonation of delay and for restoration of the petition which was dismissed for non-prosecution vide order dated 16.11.2009.

Learned counsel for the applicant-petitioner stated that revision petition was filed through Sh. Jitender Nara, Advocate. On few dates, he had appeared but later on he stopped appearing for want of instructions. He did not appear on 24.07.03, 15.12.03, 13.09.04, 13.01.05 and 04.03.05.

The revision petition was admitted in the absence of the learned counsel for the petitioner on 12.03.2005. Thereafter, the revision petition was listed before the Coordinate Bench on 16.11.2009. The revision petition was ordered to be dismissed

for non-prosecution as none appeared on behalf of the petitioner.

Learned counsel for the applicant stated that even before admission of the appeal, Sh. S.S. Dahiya, Advocate was engaged who could not file his power of attorney in time nor he could appear on the date of dismissal of the revision petition for non-prosecution. The revision petition was filed against impugned orders passed by the Commissioner, Rohtak Division, Rohtak and Collector-cum-City Magistrate vide which the value of the property was assessed on the market value and then required the petitioner to affix stamp duty on the instrument by pointing out deficiency in stamp duty for specific amount.

During course of arguments, learned counsel for the applicant stated that petitioner is ready to withdraw the Revision Petition provided the order dismissing the revision petition for non-prosecution is recalled.

Learned counsel for the respondents at the first instance tried to oppose the prayer but after reconciling the issue stated that petitioner may be asked to answer the claim towards interest for delayed payment.

I have considered the submissions made by counsel for the parties. Learned counsel for the applicant stated that in case order dated 16.11.2009 is recalled, the petitioner shall withdraw the revision petition.

In my considered opinion though there is huge delay in moving the application, but keeping in view the cause of justice, it would be appropriate to allow the petitioner/applicant to make good the deficiency in stamp duty as per order passed by Commissioner, Rohtak Division, Rohtak. Delay in filing the application is hereby condoned. The revision petition is ordered to be restored to its original number.

Main Case.

Dismissed as withdrawn.

**(RAJ MOHAN SINGH)
JUDGE**

October 18, 2019

Poonam Sharma

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No