

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4378 of 2018

Date of Decision: 20.03.2019

Daler Singh

.....Petitioner

Vs.

Sumit Mehta

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

On 06.03.2019, the following order had been passed:-

“By this petition, the petitioner challenges the order of the learned Additional District Judge, Jalandhar, dated 25.04.2018 (Annexure P5), by which his application seeking condonation of a delay of 33 months and 10 days in filing the appeal in question, has been dismissed.

On October 29, 2018, the following order had been passed by a coordinate Bench:-

“After arguing at length and on finding the inclination of the Bench in not interfering with the impugned order, learned counsel sought time for obtaining the copy of service report in the main civil suit.

List on 14.01.2019.”

Thereafter, on 14.01.2019, the following order had been passed :-

“Learned counsel for the petitioner has produced in Court today an order dated

19.07.2010 passed by learned Civil Judge (Jr. Divn.), Jalandhar, stating to the effect that the publication "against the defendant" has been received back duly effected, after which he was proceeded against ex parte vide the same order.

Learned counsel would place on record the aforesaid order as also relevant entries in his passport showing that actually, after notice was issued in the suit in which he was the defendant, he was not in India at the relevant time.

Adjourned to 15.02.2019."

Today he seeks further time to comply with the aforesaid order.

Adjourned to 20.03.2019 for the last time.

If the aforesaid order is not complied with by that date, this petition shall be deemed to have been dismissed in default, without any further order required to be passed in that regard."

The order still not having been complied with, it obviously takes effect, with the petition deemed to have been dismissed-in-default.

March 20, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.