

CR-5121-2016 (O&M)

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

CR-5121-2016 (O&M)

Date of decision : 05.02.2019

Swaran Singh and others

... Petitioners

Versus

Guro and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Akshay Sandhir, Advocate
for the petitioners.

Mr. Rajinder Sharma, Advocate
for the respondents.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the impugned order, whereby the appeal accompanied by an application under Section 5 of the Limitation Act, of the petitioners-defendants against the judgment and decree dated 19.12.2005, was dismissed in default.

Along with the present petition, an application for condonation of 2756 days in filing the revision petition was filed on the premise that the petitioners were not informed by the counsel. The excuse expressed in the application here, in this Court as well as before the Court below is almost identical. It is strange that the clients, who have been defending their rights, did not contact the lawyer and slept at a home without any verification. Be that as it may, the plaintiffs/respondents have been granted 1/7th share each, which according to the petitioners-defendants, is not a correct

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determination. However, in order to advance justice and prevent miscarriage of justice, particularly noticing that they have been most lackadaisical and tardy, in not approaching the Court well in time, I deem it appropriate to set aside the impugned order. Accordingly, the application seeking condonation of delay of 2756 days as well as the revision petition is allowed subject to costs of ₹70,000/-, to be paid to the respondents-plaintiffs, which shall be condition precedent. The appeal is ordered to be restored to its original number.

05.02.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**