

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.554 of 2018

Date of Decision: April 29, 2019

Punjab State Civil Supplies Corporation Limited & another

...Petitioners

Versus

Gurnam Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Aman Sharma, Advocate,
for the petitioners.

None for the respondent.

AMIT RAWAL, J. (Oral)

The present revision petition is directed against the impugned order, whereby the appeal of the petitioner-plaintiffs for assailing the judgment and decree dated 30.09.2015 along with application for condonation of delay of 288 days, has been dismissed.

Mr. Aman Sharma, learned counsel for the petitioners submitted that the petitioner-plaintiffs had filed a civil suit for recovery of ₹59,96,313/-, which, after contest has erroneously been dismissed. The same was assailed in appeal, but in the process, delay occurred. It was on account of the fact that certified copy was applied on 03.10.2015 which was prepared on 02.11.2015. The Managing Director, Chandigarh was the competent authority to give the approval for filing the appeal. The dealing assistant did not prepare the draft of appeal and kept the file with him. He remained on leave for substantial period due to delivery of child and

subsequently shifted the child to DMC for treatment. The child also remained admitted in Appolo Hospital, Ludhiana and subsequently died and, therefore, delay had occurred.

There is no representation on behalf of the respondent despite service.

I have heard the learned counsel for the petitioners and appraised the paper book.

No doubt, the reasons given in the application of non-availability of the dealing assistant owing to medical emergency cannot be ignored as the PUNSUP do not run on the non-availability of the persons, particularly the Managing Director. The other officers at the helm of affairs could have initiated the steps. Such an act on the part of the department is not only lackadaisical but a willful default. Be that as it may, in order to prevent the miscarriage of justice, the impugned order is set-aside subject to payment of ₹ 10,000/- as costs to be deposited in the Lawyers' Welfare Fund of District Court Ferozepur.

Revision petition stands allowed.

April 29, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No