

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

LPA-644-2019 (O&M)

Date of decision:- 21.05.2019

Bhupinder Singh, Ex-Conductor

...Appellant

Versus

General Manager, Punjab Roadways, Ludhiana, Near Bus
Stand, Ludhiana and others

...Respondents

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

Present:- Mr. Gagneshwar Walia, Advocate,
for the appellant.

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KRISHNA MURARI, C.J. (ORAL)

Notice of motion.

Mr. Shireesh Gupta, learned Senior Deputy Advocate
General, Punjab, who is present in Court, accepts notice on
behalf of respondents No. 1 and 2.

With the consent of learned counsel for the parties,
the appeal is finally disposed of, at this stage, without
calling for a response.

Writ petition filed by the petitioner
(appellant herein) was dismissed for want of prosecution vide
order dated 18.07.2018. An application to recall the said order
was made on 14.08.2018 which was dismissed vide impugned order
dated 14.02.2019.

Learned counsel for the appellant contends that
sufficient reason for non-appearance was mentioned in the
application, but the learned Single Judge failed to appreciate
the same and wrongly and illegally dismissed the recall
application.

Having gone through the recall application, we are satisfied that the learned counsel could not appear before the learned Single Judge on 18.07.2018 on account of circumstances beyond his control and there was no willful default on his part and in these circumstances, in our considered opinion, the order ought to have been recalled.

Learned Senior Deputy Advocate General, Punjab appearing in the matter has no serious objection to the writ petition being restored to its original number and heard on merits.

In these circumstances, we set aside the order dated 18.07.2018 as well as the order dated 14.02.2019 passed on the recall application and restore the writ petition to its original number to be heard and adjudicated on merits by the learned Single Judge.

Parties shall appear before the learned Single Judge on 25.07.2019.

The appeal accordingly stands disposed of.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

21.05.2019
Amodh

whether speaking/reasoned	Yes/No
whether reportable	Yes/No