

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

CR-3066-2019 (O&M)

Date of decision : 17.5.2019

M/s Parkash Engineer's Traders and another Petitioners

Versus

M/s Shree Enterprises Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Hari Om Verma, Advocate for the petitioner.

KULDIP SINGH, J.

Heard.

Learned counsel for the petitioners-appellants contends that petitioners could not arrange half of decretal amount to show their bona fide.

Impugned in the present revision petition is the order 3.4.2019, (Annexure P-1), passed by learned Additional District Judge, Gurugram, vide which an application for restoration of the civil appeal filed by the petitioners-appellants under Order XLI Rule 1 read with Section 151 of the Code of Civil Procedure read with Section 151 has been dismissed.

It comes out that the appeal was filed on 28.2.2018. Since the proper Court fee was not affixed, the case was adjourned to 22.3.2018 for fixing the Court fee. On the said date also, Court fee was not affixed and last opportunity was granted to pay the proper Court fee and the case was adjourned to 10.4.2018. None had appeared on behalf of the petitioners-appellants on 10.4.2018.

Apparently, the petitioners-appellants could not pay the Court fee and absented. Now after 5½ months, application was filed on 25.9.2018 for restoration of the appeal. At the very outset, application was time barred. Secondly, appeal was not only dismissed for non appearance but also on the ground that proper Court fee has not been affixed despite the time granted by the Court. Therefore, at this stage, to pay the Court fee amounts to violation of the order of the Court vide which they were granted last opportunity to pay the Court fee till 10.4.2018. Without seeking extension to pay the Court fee, the petitioners-appellants are apparently playing hide and seek.

In view of above, no ground is made out to interfere in the impugned order dated 3.4.2019, (Annexure P-1), passed by learned Additional District Judge, Gurugram.

Dismissed.

(KULDIP SINGH)
JUDGE

17.5.2019
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Whether speaking / reasoned
Whether Reportable:

Yes
No