

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-4280-2019

Date of decision: 15.07.2019

Kanwar Harinder Singh

...Petitioner(s)

V/s.

Santokh Singh and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Vishwajit Bedi, Advocate for the petitioner(s).

The defendant has come up in revision against the order dated 24.05.2019 whereby the application for restoration of the appeal which was dismissed in default on 16.07.2015 has been allowed. The civil suit was filed on 30.10.2012 and was fixed for arguments on 25.11.2013. On 16.07.2015, an application for adjournment was filed stating that the learned counsel for the appellant was busy in his domestic problem and that problem/reason was mentioned in writing in adjournment application and due to non-appearance of the counsel, the appeal was dismissed. While restoring the appeal, it has further been observed that the absence of the counsel was neither intentional nor willful and the plaintiff had affixed a court fee of Rs.1,62,520/- and it is the plaintiff who will suffer a prejudice if he is unheard. A delay of one day in filing the application for restoration of the appeal cannot be made basis to discard the application.

No case is made out to interfere in the order dated 24.05.2019.

Dismissed.

15.07.2019

Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No