

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

**C. R No. 4991 of 2019
Date of decision : 22.08.2019**

Dakshin Haryana Bijli Vitram Nigam Ltd & ors.Petitioners

versus

Suresh Kumar ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.K. Mahajan, Advocate
for the petitioners.

RITU BAHRI, J. (Oral)

Challenge in this petition is to order dated 24.01.2019 (P-2) passed by learned Addl. District Judge, Rewari whereby appeal filed by the petitioners has been dismissed on the ground of limitation against order dated 29.11.2017 (P-1).

Learned counsel for the petitioners at the very outset has relied upon judgment of this Court in a case of ***C.R. No. 7772-2018, decided on 05.03.2019 titled as Naresh Singh vs. The S.D.O (O.P), Sub Divn, UHBVNL, Raipur Rani, Tehsil and District Panchkula and ors*** wherein the Court below has refused to condone the delay of 73 days in filing the appeal. This Court by relying upon judgments of Hon'ble the Supreme Court of India in a case of ***Oriental Aroma Chemical Industries Ltd v. Gujarat Industrial Development Corporation and anr, 2010 (5) SCC 459 and The Commissioner, Mysore Urban Development Authority vs. S.S Sarvesh, Civil Appeal No. 1463-2019 (arising out of SLP (C) No. 23718-2018)***, set aside the impugned order and the delay of 73 days in filing the

appeal was condoned. The matter was remitted back to the Appellate Court to decide the matter in accordance with law.

In the present case, the delay in filing the appeal is 58 days and applying the ratio of the above mentioned judgment, order dated 24.01.2019 (P-2) is hereby set aside, subject to deposit of Rs.5000/- as costs which is to be deposited before the District Legal Services Authority, Rewari. The delay of 58 days in filing the appeal was condoned. The matter is remitted back to the Appellate Court to decide the matter in accordance with law.

22.08.2019

G.Arora

Whether speaking/reasoned
Whether reportable

(RITU BAHRI)
JUDGE

Yes
No