

FAO No.2037 of 2015

Date of Decision: 26.11.2019

Tanvir Singh

.....Appellant

Versus

Navrattan Garg and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Ashish Gupta, Advocate for the appellant.

Mr. Ishant Khangwal, Advocate for
Mr. M.B. Jain, Advocate
for respondent No.3-insurance company.**NIRMALJIT KAUR, J. (ORAL)**

The present appeal has been filed against the order dated 03.09.2014, vide which, the application for restoration of the claim petition, which was dismissed for non-prosecution way back on 25.04.2011, was dismissed. The application for restoration of the petition was dismissed only on the ground of limitation.

It is contended that the entire evidence had been led and the matter was only pending for final arguments. If it is so, the Court should have taken a lenient view instead of dismissing the case in default and thereafter, refusing to set aside the order for dismissed in default on account of limitation.

In view of the above, the present appeal is allowed and the orders dated 25.04.2011 and 03.09.2014 are set aside with a further direction to the concerned Tribunal to decide the case on merits.

26.11.2019*sandeep***(NIRMALJIT KAUR)
JUDGE**