

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

CR-5419-2018 (O&M)  
Date of decision : 24.02.2020

Sonia Saini

...Petitioner

Versus

Madhu Sharma

...Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Sandeep Bansal, Advocate for the petitioner.

Mr. Kartik Gupta, Advocate for the respondent.

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**ANIL KSHETARPAL, J. (ORAL)**

Without going into the issue that whether an appeal is maintainable or a revision is maintainable, this Court has heard learned counsel for the parties at length.

The first appeal filed by the petitioner has been dismissed on the ground of appeal being barred by limitation by 477 days.

This Court has carefully read the order.

It is apparent that the petitioner has pleaded that her husband was suffering from many ailments and after the decision of the case by the trial Court, the husband of the petitioner suffered disk problem and was confined to bed. He was also admitted in various hospitals.

Keeping in view the aforesaid facts, learned First Appellate Court, in the considered view of this Court, has taken a narrow view. The

dispute is with regard to the immovable property. The first appeal is a valuable right and the Court should always make an endeavour to decide the same on merits.

Keeping in view the facts as pleaded in the application for condonation of delay, delay of 477 days is condoned. Consequently, the order under challenge is set aside.

The appeal before the First Appellate Court shall stand restored. The First Appellate Court is requested to decide the first appeal within a period of 3 months from the date of receipt of certified copy of the order.

Parties through their counsel are directed to appear before the First Appellate Court on 12.03.2020.

In view of the above, the present revision petition is disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

**24.02.2020**

*Pawan*

**(ANIL KSHETARPAL)  
JUDGE**

**Whether speaking/reasoned:-                      Yes/No**

**Whether reportable:-                                  Yes/No**