

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

Sr. No.132

CR-114-2022

Date of Decision: 01.02.2022

RAJ KUMAR GANDHI

...Petitioner

VERSUS

PARAMJIT KAUR

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. R.S. Malik, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

Through the present petition, the petitioner is seeking setting aside of the order dated 25.11.2021 (Annexure P-7), vide which the miscellaneous application dated 14.07.2021 (Annexure P-5) for restoration of the case, has been decided.

It is now submitted that even the petition was dismissed in default on 22.09.2016 and it has been restored vide impugned order dated 25.11.2021.

Even though the application for seeking condonation of delay in filing of the petition for setting aside of the dismissal proceedings was filed, but however, without passing an order on the said application, the impugned order had been passed. An application under Section 5 of the Limitation Act, for seeking condonation of delay in filing of the restoration petition is Annexure P-5 and the application seeking restoration of the proceeding, which was dismissed in default on 22.09.2016 is also a part of Annexure P-5. Even, reply to the application under Section 5 of the

Limitation Act has been filed, but no specific order has been passed on this application. Even, in the impugned order, no specific reason for restoration, as such, has been mentioned.

A perusal of the impugned order reveals that simplicitor it has been mentioned about the dismissal of the proceedings on 22.09.2016 and that miscellaneous application dated 14.07.2021 has been filed for restoration of the dismissal proceedings. Though it is stated that on perusal of the case file the dismissal proceedings have been restored, but no reasons, as such, has been assigned for the same. Even, no specific order has been passed on the application for condonation of delay.

In these circumstances, since the impugned order is quite vague, the same is set aside and the concerned authority is hereby directed to decide the petition afresh, in accordance with law and the petitioner is directed to make appearance before the concerned authority on 28.02.2022.

Accordingly, the instant petition stands disposed of.

A copy of the order be sent to the concerned Department.

(ARCHANA PURI)
JUDGE

01.02.2022

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No