

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 1651 of 2017

Date of Decision: 08.07.2022

Kawaljit Singh

... Petitioner(s)

Versus

Rameshwar Dass Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vijay Lath, Advocate
for the petitioner(s).

Mr. Aman Joon, Advocate
for the respondent.

Anil Kshetarpal, J.

1. The first appeal filed by the petitioner against the judgment and decree dated 28.04.2014 has been dismissed while refusing to condone the delay of merely ten months. The petitioner claims that he fell seriously ill and was suffering from the lower back problem. He was confined to bed since 20.05.2013. The Court, taking a narrow view of the matter, dismissed the application while observing that the documents produced in support of his claim, have been procured afterwards. The First Appellate Court is the last Court of fact. It is required to re-appreciate the evidence. The first appeal is an important right and the First Appellate Court is required to make an attempt to decide the case on merits rather than on technical objections.

2. Keeping in view the aforesaid facts, the delay in filing the appeal is condoned and while setting aside the impugned order, the parties,

through their learned counsel, are directed to appear before the First

Appellate Court on 28.07.2022. The First Appellate Court is directed to decide the pending appeal within a period of three months, from today, positively.

(Anil Kshetarpal)
Judge

July 08, 2022
“DK”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No