

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

Sr. No.283

CR-1668-2018

Date of Decision: 12.10.2022

Punjab Waqf Board

.... Petitioner

Versus

Ajit Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ghulam Nabi Malik, Advocate
for the petitioner.

Mr. M.S.Dhami, Advocate
for the respondent.

TRIBHUVAN DAHIYA, J. (ORAL)

This revision petition under Article 227 of the Constitution of India has been filed for setting aside the order dated 29.09.2017 (Annexure P-4) passed by the Executing Court, whereby the application moved by the petitioner/deGREE holder for restoration of the Execution Application has been dismissed.

A perusal of the impugned order passed by the Executing Court shows that the case was fixed before the Executing Court on 05.08.2013 for filing replication and recording statement of decree holder, but nobody appeared despite the case having been called for hearing several times and the same was dismissed for non prosecution. The petitioner/deGREE holder filed an application for restoration on 23.08.2013 (Annexure P-2), i.e., within the prescribed limit of 30 days. Despite that, the Executing Court vide impugned order has declined to restore the execution application on the ground that there was 20 days' lapse on the part of the applicant in filing the application for restoration.

As the prescribed period of limitation for filing the application for restoration of the case is 30 days from the date of dismissal, there was no justification before the Executing Court to decline the application for restoration which was filed within the limitation period, on the plea that it was filed after 20 days of dismissal. The reasoning given by the Executing Court is illogical and can not be sustained.

In view of the aforesaid, the impugned order dated 29.09.2017 (Annexure P-4) is set aside and the execution application is restored to its original number before the Executing Court.

Petition stands allowed.

Parties are directed to appear before the Executing Court on 03.11.2022.

(TRIBHUVAN DAHIYA)
JUDGE

12.10.2022
Maninder

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