

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 941 of 2018

Date of Decision: 27.09.2022

Jaiveer Singh

... Petitioner(s)

Versus

Harish and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Gurmohan Singh Bedi, Advocate
for the petitioner(s).

Mr. Amandeep, Advocate
for Mr. Neeraj Sheoran, Advocate
for the respondent No.1 to 3 and 10 to 13.

Anil Kshetarpal, J.

1. The first appeal filed by the appellant was dismissed for non-prosecution against the respondent No.5 to 12 on the ground that the appellant has failed to file the necessary copies of the grounds of appeal. The plaintiff's suit for revocation of succession certificate was dismissed by the trial Court against which the first appeal is still pending.

2. Undoubtedly, the petitioner was lax in prosecuting the appeal. However, the appeal is still pending. Respondent No.1 to 4 and 13 are only represented. The learned counsel representing the petitioner submits that due to the communication gap between the appellant and his counsel effective steps to complete the service of notice could not be taken at an appropriate time. He submits that the appellant is prepared to furnish the

necessary copies of grounds of appeal along with the cost which may be

imposed by the court in order to compensate the respondents.

3. On the other hand, the learned counsel representing the respondent No.1 to 3 and 10 to 13 contends that the appellant was granted three opportunities, however, he failed to take steps. It is well known that the rules of procedure are the handmaid of justice. The Court should always try to decide the case on merits, rather than on technical defaults.

4. Keeping in view the aforesaid facts, the First Appellate Court is directed to provide another opportunity to the appellant to serve the unserved respondents subject to payment of cost of ₹10,000/- to be paid to respondents, which shall be the condition precedent for grant of indulgence to the petitioner.

(Anil Kshetarpal)
Judge

September 27, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No