

116

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

**LPA No.846 of 2022 (O&M)  
Date of decision : 27.09.2022**

**NARESH DILAWARI**

**..... APPELLANT**

**VS**

**STATE OF PUNJAB AND ORS.**

**..... RESPONDENTS**

**CORAM : HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH  
HON'BLE MR.JUSTICE ALOK JAIN**

Present :- Appellant in person.

Mr. Navdeep Chhabbra, Sr. DAG, Punjab.

**\*\*\***

**AUGUSTINE GEORGE MASIH, J. (Oral)**

Appellant, who has appeared in person has been heard, wherein the challenge to the order dated 01.09.2022 passed by the learned Single Judge, whereby the writ petition preferred by the appellant has been dismissed granting liberty to the appellant to prefer an appeal in accordance with law as against the impugned order dated 09.08.2022, Annexure P-1 passed by the Secretary, Regional Transport Authority, SAS, Nagar under Section 55 (5) of the Motors Vehicles Act, 1988 and an appeal is provided under Section 57 of the said Act, which remedy has not been availed by the appellant.

Appellant asserts that the writ petition would be a more efficacious remedy as the Appellate Authority would not be in a position to go into aspect as has been highlighted by the appellant in the writ petition, which was preferred. This contention of the appellant, we are not able to accept as we are sanguine that the Appellate Authority would go through each and every

aspect as has been highlighted by the appellant in the writ petition and then pass a well-reasoned and speaking order in the said appeal.

Appellant at this stage submits that there is some delay which has occurred because of he having preferred the writ petition and thereafter the present appeal. If that be so, if an application for condonation of delay along with the appeal is preferred by the appellant, the same shall be considered sympathetically by the Appellate Authority and take into consideration, the period which has been utilized by the appellant in preferring the writ petition and then the present appeal. The present appeal is disposed of with liberty to the appellant to file an appeal.

In view of disposal of the main case, no orders are required to be passed in the remaining civil misc. applications and the same also stand disposed of.

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

**(ALOK JAIN)**  
**JUDGE**

**27.09.2022**

***manju***

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No