

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

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**CR No. 182 of 2022
Date of decision : 9.8.2022**

Gram Panchayat, Uncha Samana

.....Petitioner

Vs.

Ram Pal Saini and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munish Mittal, Advocate, for the petitioner

Mr. Rajesh Bansal, Advocate, for the respondents

ANIL KSHETARPAL, J. (Oral)

1. Through this revision petition, the Gram Panchayat of Village Uncha Samana prays for setting aside order dated 2.9.2021, as well as, order dated 14.12.2016.

2. Some particular facts are required to be noticed. The Gram Panchayat sent a notice to the respondents for recovery of Rs.43,11,040/-. The plaintiffs filed a suit for declaration challenging the correctness of aforesaid notice. The suit was decreed on 29.5.2015. The Gram Panchayat filed the first appeal, which was dismissed for non-prosecution on 14.12.2016. After the elections of the office bearers of the Gram Panchayat in lieu of previous elected representatives, the Gram Panchayat filed an application for restoration of the appeal, which has also been dismissed on 02.09.2021. It has been asserted that the previous Sarpanch of the Gram Panchayat was involved in a corruption case, therefore, he does not prosecute the appeal properly.

3. The Gram Panchayat is a democratic institution at the grass root level. It managed by the elected representatives of the village. Normally, it

represents the collective wisdom of the residents of the village. The respondents had taken panchayat's land on lease. The notice was issued by the Gram Panchayat to recover the outstanding amount.

4. If the appeal is not restored, the Panchayat will never get an opportunity to get the evidence re-appreciated. The first appeal is an important right of a party, who has lost its case before the trial Court. The Court should always try to dispose of the matters on merits, rather than on technicalities. Undoubtedly, no application for condonation of delay was filed in filing the application for restoration, however, the learned counsel representing the petitioner undertake to file the same, if the Court grants him opportunity.

5. Keeping in view the aforesaid facts, the order under challenge is set aside. Let the petitioner file an application for condonation of delay, which shall be considered by the Court, in accordance with law. The parties through their counsel are directed to appear before the First Appellate Court on 29.8.2022.

6. The revision petition is disposed of.

(ANIL KSHETARPAL)
JUDGE

9.8.2022

Ashwani

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No