

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(224)

CR No. 5611 of 2016

Date of Decision : 15.02.2023

Kaka Singh

...Petitioner

Versus

The Lohar Majra Kalan Cooperative Agricultural Service Society Ltd.
and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dharamvir Sharma, Senior Advocate with
Mr. Tushar Sharma, Advocate for the petitioner.

Mr. M.S. Bedi, Advocate for the respondents.

Harsimran Singh Sethi J. (Oral)

Learned senior counsel appearing on behalf of the petitioner submits that though the impugned order has been passed on 29.01.2016 but actually the application in regards to which the said order has been passed, was filed on 30.01.2016 hence, the petitioner fails to understand as to how the order has been passed on a date prior to even the filing of the application for release of the account, which has already been attached by the court on 07.01.2016.

Learned counsel for the respondents submits that there was a typographical error in the impugned order qua the date of passing of the said order and the said mistake has already been rectified by the court concerned to mean that the impugned order was passed on 30.01.2016 and not on 29.01.2016. The said correction has been ordered on 15.02.2017 much after the filing of the present petition before this court.

Learned senior counsel appearing on behalf of the petitioner submits that in case, the assertion of the respondents is accepted that the application was filed on 30.01.2016, on which date the same was decided, then when the notice of the said application was given to the opposite side seeking reply as, in the order it has been mentioned that no reply to the application has been filed despite opportunity.

Faced with this situation, learned counsel for the respondents very fairly submits that he raises no objection for setting-aside the said order with liberty to the trial court to pass a fresh order on the application seeking modification of the order dated 07.01.2016, which was moved on 30.01.2016.

Keeping in view the above, without expressing any opinion on the merits, the impugned order dated 30.01.2016 purported to have been passed on 29.01.2016 is set-aside with liberty to the trial court to pass a fresh order on the application dated 30.01.2016 moved by the respondents for modification of the order dated 07.01.2016.

It is made clear that fresh order will be passed after giving due opportunity of hearing and raising appropriate objection to the non-applicant to present their case with regard to the prayer for modification of the order dated 07.01.2016.

Present civil revision petition is allowed in above terms.

February 15, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No