

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

**CRM-M-41317-2022
DECIDED ON: 02.05.2023**

KARAMJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

Mr. Bikramjeet Singh and
Mr. Deepinder Singh, Advocate for respondents No.2 & 3.

SANDEEP MOUDGIL, J (ORAL)

Learned counsel for the petitioner contends that his revision petition was dismissed for non-prosecution by the Revisional Court vide its order dated 11.09.2018 (Annexure P-3) as well as order dated 09.08.2022 (Annexure P-4), whereby the application for restoration was dismissed being not maintainable.

Learned counsel appearing on behalf of respondents No.2 & 3 submits that the order dated 09.08.2022 (Annexure P-4) is just and legal, as the Revisional Court is not empowered to recall its own order and, therefore, the application for recalling/restoration has been rightly declined.

Considering the submissions made on behalf of counsel for the petitioner and the peculiar fact that after dismissal of revision petition for non-appearance of the revisionist-petitioner, application for recalling of that order

and restoration of the same was dismissed, though very rightly and justifiably having no jurisdiction to allow the application, this Court deems it appropriate that the revision petition is heard on merits, as it would not cause any prejudice to the respondents as well, who is not adverse to the said proposal.

In light of the above, petition is allowed and the orders dated 11.09.2018 (Annexure P-3) and 09.08.2022 (Annexure P-4) are set aside.

The Revisional Court shall hear the revision petition afresh and decide the same on merits in accordance with law.

Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

02.05.2023

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>