

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

Sr. No.203

CR-5764-2019

Date of Decision: 13.03.2023

MANGE RAM

....Petitioner

Versus

PAWAN KUMAR AND OTHERS

..... Respondents

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- Mr. Balraj Gujjar, Advocate for the petitioner.

ARCHANA PURI, J. (ORAL)

Challenge in the present revision petition is to the order dated 30.03.2018 (Annexure P-3) passed by learned Lower Court, whereby the appeal has been dismissed *in toto*.

Mr. Sushil Sheoran, Advocate, has made appearance on behalf of respondent No.1, and has filed his Power of Attorney, which is taken on record.

Material facts as culled out from the paperbook are that the appeal i.e. CA-599-2016 had been filed by Mange Ram, thereby impleading Pawan Kumar, the plaintiff, as contesting respondent No.1 and defendants No.2 to 7, namely, Ram Kumar, Raj Kumar, Mahabir Parsad, Surender Kumar, Shakuntla, and Saroj, as proforma respondents No.2 to 7.

When the appeal was at the service stage, vide impugned order dated 30.03.2018, the appeal was dismissed *in toto* on account of non-filing of copies by the petitioner/appellant. However, perusal of the impugned order itself reveals that at the stage of passing of the impugned order, respondent No.1 i.e. Pawan Kumar, who is the sole contesting respondent was making appearance through counsel.

In the given circumstances, the appeal could be dismissed at the most, only qua respondents No.2 to 7 and not qua respondent No.1, who was already making appearance and there was no fault on the part of the petitioner, *vis-a-vis* the compliance of the direction by learned Lower Appellate Court qua respondent No.1.

In view of the aforesaid fact situation, the instant revision petition is hereby accepted and the impugned order is set aside. As such, the Civil Appeal No.599 of 2016 stands restored to its original number qua respondent No.1.

13.03.2023

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes/No