

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

**RA-RF-33-2022 (O&M)
in RFA-44-1994
Decided on : 17.02.2023**

Dharma (D) through his LR Hari Singh

.....Review applicant/appellants(s)
Versus

State of Haryana and others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Vikram Singh, Advocate
for the review applicant/appellants(s).

G.S. Sandhawalia, J. (Oral)

Application for reviewing the order dated 10.05.2019 has been filed alongwith application for condonation of delay of 515 days in filing the same. Applications are supported by affidavit of the counsel, Shri H.N. Sahu, Advocate.

Notice in the applications.

Mr. Saurabh Mago, AAG, Haryana accepts notice on behalf of the respondent/State.

The prayer to condone the delay of 515 days and to review the order dated 10.05.2019 has been made on the ground that the appeal was dismissed in the absence of the counsel for the appellant. It is, accordingly, submitted that prejudice has been caused to the appellants, as they were not given a chance to contest their case. The name of the counsel was not on the regular list, due to which he could not be present on the said day.

Keeping in view the above, this Court is of the opinion that sufficient cause has been made out to condone the delay of 515 days in filing the review application. Accordingly, the application is allowed.

Keeping in view the averments that counsel was not there when the appeal was dismissed, since valuable rights as such of the appellants had been decided regarding the compensation on account of the acquisition and the contesting party is the State and the land was required under the principle of eminent domain, it would be in the interest of justice, if the appeal is decided afresh on merits after hearing the concerned parties.

Resultantly, application for condonation of delay of 515 days in filing the review application is allowed. Delay of 515 days in filing the review application stands condoned. Accordingly, review application is also allowed and the appeal is restored to its original number and position.

Office to list the appeal as per roster.

(G.S. SANDHAWALIA)
JUDGE

February 17, 2023
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No