

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

**CR No.5686 of 2022
Date of Decision: 13.01.2023**

Dalbir Singh (now deceased) through his LRs
.....Revisionist-Petitioner.

Versus

Satvinder Singh and another
.....Respondents.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Vaibhav Sharma, Advocate for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant revision petition, the petitioners (the Legal Representatives of respondent No.2 in Civil Appeal No.129 of 2021 and plaintiff No.2 in the Civil Suit and since deceased) have laid challenge to the order dated 17.05.2022 (Annexure P-1) passed by learned Additional District Judge, Panipat (for short 'the Lower Appellate Court'), whereby application Annexure P-3, as moved by respondent No.1 (the appellant in the Civil Appeal and defendant in the Civil Suit) for seeking condonation of the delay of 11 days in filing the said Civil Appeal, has been allowed.

2. I have heard learned counsel for the petitioners in the present petition, at the preliminary stage and have also perused the file carefully.

3. Learned counsel for the petitioners contends that in his above-said application, respondent No.1-appellant-defendant did not put-forth any fair, candid and plausible explanation for the afore-mentioned delay on his

part in filing the said Civil Appeal but the Lower Appellate Court has ignored the above-said aspect and has erroneously allowed the application under reference, vide the impugned order and therefore, the same is not legally sustainable and deserves to be set-aside.

4. However, the afore-raised contention is devoid of any merit because a perusal of the application Annexure P-3 reveals that in Para No.2 therein, the applicant-appellant-defendant has categorically averred that after obtaining the copies of the judgment and the decree, intended to be assailed vide the said Civil Appeal, he fell ill and remained hospitalised at Karnal. The Lower Appellate Court has specifically discussed the above-said plea in Para No.3 in the impugned order. Keeping in view the afore-said fact as well as the short span of the delay, i.e 11 days, this Court is of the considered opinion that the Lower Appellate Court has rightly allowed the said application so as to afford the opportunity to the respondent No.1-appellant-defendant to contest/pursue the Civil Appeal on merits.

5. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

January 13, 2023

Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>