

127.

2023:PHHC:154042

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

CR-7285-2023

Date of decision: 04.12.2023

NAND LAL

.... Petitioner

Versus

OM PARKASH

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Jashan Chopra, Advocate and
Mr. Rakesh Chopra, Advocate, for the petitioner.

GURBIR SINGH, J. (Oral)

1. Prayer in this revision petition filed under Article 227 of the Constitution of India is for issuance of directions to the learned Appellate Authority, Patiala, to dispose of the application i.e. CM No.262 of 2021 of the petitioner filed for restoration of the rent appeal which was dismissed in default on 10.02.2021.

2. Brief facts, as culled out from the petition, are that the respondent-Om Parkash filed ejectment petition, which was allowed vide order dated 11.09.2018. The petitioner filed appeal, but it was dismissed in default vide order dated 10.02.2021. He moved application (Annexure P-1) for restoration, on which notice has been issued. In the meantime, respondent filed execution. On coming to know about the execution, petitioner filed another application for preponing the date in the restoration application. Another application was also filed for deciding the restoration application. Vide order dated 23.08.2023, learned Appellate Authority fixed the said

application for filing reply on 20.09.2023, but respondent did not file reply and again sought adjournment and now it has been adjourned to 06.12.2023.

3. Learned counsel for the petitioner submits that the petitioner moved application for restoration of the appeal in February, 2021 and even after a lapse of about two years, it has not been decided yet. In case the respondent succeeds in dispossessing him, he would suffer irreparable loss and his rent appeal would become infructuous.

4. Without commenting on the merits of the case, the present petition is disposed of with a direction to the learned Appellate Authority to decide the application for restoration of the appeal (Annexure P-1) positively by 03.01.2024.

(GURBIR SINGH)
JUDGE

December 04, 2023

sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No