

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-81-2024
Date of Decision : 09.01.2024

Rita ...Petitioner

VERSUS

Baljeet Singh Bal ...Respondent

CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Lajpat Rai Sharma, Advocate for the petitioner.

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SUDEEPTI SHARMA, J. (Oral)

1. Impugned in the present revision petition filed under Article 227 of the Constitution of India, is order dated 18.10.2023 (Annexure P-11) passed by the District Judge, Ferozepur, District Ferozepur, whereby the application filed by the petitioner under Section 5 of the Indian Limitation Act bearing CIS No.CM-218/2023, has been dismissed for non compliance of order dated 04.10.2023.
2. Vide order dated 04.10.2023, learned District Judge, Ferozepur, allowed the application under Section 5 of the Limitation Act, for condoning the delay of 31 days subject to payment of costs of Rs.1000/- to the respondent and the case was adjourned to 18.10.2023 for payment of costs. On 18.10.2023, the costs could not be paid due to the miscommunication between the petitioner and her counsel. Accordingly, the application for condonation of delay in filing the appeal was dismissed for non-compliance of order dated 14.10.2023.

3. Learned counsel for the petitioner contends that if the petitioner is given one opportunity, she will deposit the cost.

4. After hearing learned counsel for the petitioner and perusing the case file, I find that the delay was just of 31 days and one opportunity could have been granted to the petitioner to pay the cost in the interest of justice.

5. In view of the above, the present revision petition is allowed and the impugned order dated 18.10.2023 (Annexure P-11) is set aside. Delay of 31 days in filing the appeal is condoned subject to payment of costs of Rs.2000/- to the respondent. Learned District Judge, Ferozepur is directed to hear the appeal of the petitioner on merits.

6. Disposed of. Pending applications, if any, also stand disposed off.

January 09, 2024
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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No