

CR-1485-2017 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.112

CR-1485-2017 (O&M)

Date of Decision: 10.01.2024

GURDEEP SINGH

....Petitioner

Versus

JARNAIL SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sherry K. Singla, Advocate for the petitioner.

Mr. Rajender Kumar, Advocate for the respondent.

ARCHANA PURI, J. (Oral)

CM-4615-CII-2017

Keeping in view the averments made in the application, same is allowed.

CM-16022-CII-2022

The present application has been filed for placing on record the copy of the order dated 28.09.2022 passed by learned Lower Court, as Annexure P-4.

In view of the averments made in the application, same is allowed and the requisite order is taken on record.

Main case

Learned counsel for the parties heard.

Challenge in the present revision petition is to the order dated 10.01.2017 (Annexure P-3) passed by learned Lower Appellate Court, whereby the appeal was filed to assail the judgment dated 30.09.2016 (Annexure P-1), without affixation of the requisite Court fee.

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At the inception stage of the appeal, time was granted to the petitioner (who was appellant before learned Lower Appellate Court) to make good the deficiency of the Court fee, but however, the requisite compliance was not made. Thereafter, vide order dated 10.01.2017, the appeal was dismissed for want of requisite Court fee.

It is submitted by learned counsel for the petitioner that the petitioner was unable to deposit the requisite Court fee, on account of demonetization, which took place on 07.11.2016.

Considering the constrained circumstances, faced by the petitioner at the relevant time, without prejudice to the rights of the parties to be adjudicated on merits, the present revision petition is hereby accepted and resultantly the impugned order is set aside. The petitioner is directed to make appearance before learned Lower Appellate Court on 23.01.2024 and upon appearance of the petitioner and moving an application for restoration of the appeal, learned Lower Appellate Court shall revive the case and grant ten days' time to furnish the requisite Court fee and proceed further, in accordance with law.

Accordingly, the instant revision petition stands disposed of.

10.01.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No