



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

CR-377-2021 (O&M)

Date of decision: 14.05.2024

Piara Singh

....Petitioner

Versus

Lakhwinder Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Jagjit Singh, Advocate for the petitioner

Mr.B.S.Bhalla, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

1. This revision petition has been filed against the order passed by the appellate authority (District Judge, Kuruksehtra dated 13.03.2020) whereby the First Appellate Court has refused to condone the delay of nearly 5 years in filing the appeal.

2. In order to comprehend the issues involved in the present case, some relevant facts, in brief, are required to be noticed.

3. Lakhwinder Singh filed an application under Section 15 of the Payment of Wages Act, 1936, against Piara Singh complaining that he has not been paid the amount after he completed the construction work of three storey building. In the aforesaid application, notice was issued to the petitioner by a registered post for 22.11.2022. The petitioner appeared before the court in person and the case was adjourned to 29.11.2022. At petitioner's request, the hearing of the matter was adjourned to 20.12.2022 enabling him to file reply.



However, on 20.12.2022, he neither filed the reply nor attended the proceedings. Hence, ex-parte proceedings were ordered against the petitioner. Ultimately, the order was passed directing the petitioner to pay the balance payment of Rs.6,30,000/- alongwith interest at the rate of 12% per annum on the date of application till its realization. Subsequently, on 09.06.2016, the petitioner filed an application for recall of the order dated 07.02.2013 which was dismissed on 12.04.2018. Thereafter, the petitioner filed the appeal to challenge the correctness of the award dated 07.03.2013 in an appeal alongwith an application for condoning the delay, which has been dismissed by the District Judge. Learned counsel representing the petitioner contends that the delay should have been condoned as the petitioner was bonafidely prosecuting the recall application.

4. This Court has considered the submissions made by the learned counsel representing the parties.

5. The application for recall was filed after a passage of more than 3 years from the date the order dated 07.03.2013 was passed. The petitioner appeared before the competent authority on 22.11.2022 and 29.11.2012. Hence, the petitioner was aware of the proceedings. He did not immediately file the application for setting aside the ex-parte award or file the appeal before the appellate authority. He rather chose to file an application for recall, which was correctly dismissed.

6. Keeping in view the aforesaid facts, no ground to interfere is made out.

7. Hence, dismissed.



8. All the pending miscellaneous applications, if any, are also disposed of.

14.05.2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No