

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

2024:PHHC:024724

RSA-2180-1992
Date of decision: 22.02.2024

STATE OF HARYANA ..Appellant

Versus

RAM LAL ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.S. Pannu, AAG, Haryana.

Mr. S.S. Dalal, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. It is sad that the First Appellate Court while refusing to condone the delay of 45 days in filing the first appeal has dismissed the matter without discussing on the merits of the case. This appeal has remained pending for the last 32 years. According to the First Appellate Court, the first appeal should have been filed on 16.07.1990, the day, the Court are opened after summer vacation, however, it was filed on 01.09.1990. The learned counsel representing the State of Haryana submits that the matter was referred to the legal remembrancer and Secretary to Government of Haryana for opinion, which consumed time. After receipt of the opinion, the sanction for filing the appeal was taken and therefore, there was delay. The opinion formed by the First Appellate Court is myopic. The First Appellate Court is a last Court of fact and law. This is an important right available to the parties in contesting the litigation to call upon the Courts to reappraise the evidence. Hence, it is expected that the First Appellate Court should take holistic view while deciding the civil rights of the parties.

2. Keeping in view the aforesaid discussion, the judgment passed by the First Appellate Court is set aside. The first appeal shall stand restored to its original number.
3. The parties through their learned counsel are directed to appear before the First Appellate Court on 22.03.2024.
4. It is expected that the final decision in the appeal shall be delivered by the First Appellate Court positively within a period of six months from the date of receipt of certified copy of the order.
5. All the pending miscellaneous applications, if any, are also disposed of.

February 22nd, 2024
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(ANIL KSHETARPAL)
JUDGE

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