

CR-3681-2019(O&M)

2024:PHHC:047753

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126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3681-2019(O&M)

Date of decision :08.04.2024

Smt. Savitri Devi since deceased
through Lrs

...Petitioner

Vs.

Sube Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sapan Dhir, Advocate
for the petitioner (through Video Conferencing).

Mr. M.R. Verma, Advocate
for respondents No. 1 and 2.

ANIL KSHETARPAL, J. (Oral)

1. The first appeal filed by Smt. Savitri Devi D/o Mul Chand was dismissed for non-prosecution on 07.07.2014. This revision petition has been filed by the legal representatives of Smt. Savitri Devi, challenging the correctness of the aforesaid order.

2. As per Order 41 Rule 19 of the Code of Civil Procedure, 1908, if an appeal is dismissed for non-prosecution, the party or his or her legal representatives can file an application for re-admission of the appeal.

3. On being confronted, the learned Counsel representing respondents No. 1 and 2 does not dispute that fact, however, he submits that much water has gone down the drain and the application, if any, filed by the petitioner is likely to be dismissed on the ground of delay.

4 This Court has considered the submission.

5 An appropriate remedy for the petitioner is to file an application under Order 41 Rule 19 of the Code of Civil Procedure, 1908 alongwith an application for condonation of delay at the first instance.

6. Hence, there is no occasion to entertain the revision petition. The petitioner is relegated to avail the remedy before the First Appellate Court.

7. The civil revision is disposed of.

08.04.2024		(ANIL KSHETARPAL)	
neeraj	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No