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

CWP-28632-2025

Date of decision: 29.09.2025

BHUPINDER SINGH

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. S. K. Sinha, Advocate
for the petitioner.

Mr. Udit Garg, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the order dated 12.06.2025 (Annexure P-6), whereby the application of the petitioner for restoration of main appeal has been dismissed, order dated 23.10.2024 (Annexure P-4), whereby the appeal of the petitioner was dismissed in default for want of prosecution and order dated 06.01.2022 (Annexure P-2), whereby the arms licence of the petitioner was ordered to be revoked with immediate effect.

2. Learned counsel for the petitioner submitted that it is a case where an appeal filed by the petitioner was dismissed in default by the Divisional Commissioner, Karnal Division, Karnal on 23.10.2024 vide Annexure P-4 and



thereafter, the petitioner filed an application for restoration of the appeal vide Annexure P-5, wherein he categorically took a ground that the counsel had to attend the last rites/funeral ceremony of father of one of his colleagues practicing in District Court, Kaithal and in the meanwhile, the case was called by the Court and due to counsel's absence, it was dismissed in default. However, despite the aforesaid explanation, the Divisional Commissioner, Karnal Division, Karnal dismissed the restoration application on 12.06.2025 vide Annexure P-6. He further submitted that the aforesaid ground taken in the restoration application, which was genuine, was not even considered in the impugned order (Annexure P-6). He further submitted that in view of the aforesaid reason, it was beyond the control of the counsel for the petitioner to have attended the hearing but by one stroke of pen and without even application of mind, the Divisional Commissioner, Karnal Division, Karnal, has dismissed the restoration application. He also submitted that irreparable loss will be caused to the petitioner in case his appeal is not restored.

3. On the other hand, Mr. Udit Garg, Addl. A.G., Haryana submitted that it cannot be disputed that the ground with regard to attending of funeral ceremony by the counsel for the petitioner was not even considered by the Divisional Commissioner, Karnal Division, Karnal and therefore, he has no objection in case the main appeal is restored and the impugned order is set aside so that the appeal filed by the petitioner can be heard on merits.

4. In view of the aforesaid facts and circumstances and after perusing the grounds taken in the restoration application (Annexure P-5) as well as the impugned order dated 12.06.2025 (Annexure P-6) and also the submissions



made by the learned State counsel, the present petition is allowed. The impugned orders dated 23.10.2024 (Annexure P-4) and dated 12.06.2025 (Annexure P-6) are hereby set aside and quashed. The appeal filed by the petitioner before the Divisional Commissioner, Karnal Division, Karnal, shall be restored and the Divisional Commissioner, Karnal Division, Karnal, shall proceed to decide the same on merits, in accordance with law.

29.09.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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