



CRR-1107-2024

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288 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1107-204 (O&M)

Date of Decision: 20.01.2026

Ram Kumar

..... Petitioner

Versus

Sandeep Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ankur Mehta, Advocate for
Mr. Sachin Rai Vaid, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (Oral)**CRM-25671-2024**

Prayer in the present application is for condonation of delay of
73 days in filing the revision petition.

For the reasons mentioned in the application, the application is
allowed. Delay of 73 days in filing the revision petition is condoned.

Main case

1. Petitioner has filed the present revision petition impugning the
order dated 06.10.2023 passed by learned Sessions Judge, Fazilka, whereby,
the appeal filed by the petitioner was dismissed in default for want of
prosecution.

2. Learned counsel for the petitioner has submitted that appeal
against acquittal filed by the petitioner was admitted by learned Appellate
Court vide order dated 25.09.2023 and the next date fixed for hearing was
06.10.2023. He submits that due to unavoidable circumstances, neither the
petitioner nor his counsel could appear before the Appellate Court and it is
on the same day, the appeal filed by the petitioner was dismissed for non-
prosecution. He submits that absence of the petitioner and his counsel was
not intentional. He submits that the appeal was not decided on merits and if

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the appeal is not restored to its original number, the petitioner would suffer an irreparable loss and injury. He submits that the petitioner would not prolong the proceedings and undertakes to appear on the date fixed. He, thus, submits that appeal be restored to its original number for its hearing on merits by setting aside the order dated 06.10.2023.

3. After hearing learned counsel for the petitioner and perusing the record, it is deciphered that the appeal against acquittal filed by the petitioner was admitted by learned Appellate Court on 25.09.2023 and next date of hearing was fixed for 06.10.2023. However, on 06.10.2023, the appeal was dismissed for non-prosecution due to the absence of the petitioner and his counsel. There is no gainsaying that the appeal has not been decided on merits and the litigant would be a victim, in case the same is not decided on merits.

4. In view of the overall facts and circumstance of the case, this Court is of the considered opinion that the appeal deserves to be restored to its original number for hearing on merits and thus, the impugned order dated 06.10.2023 is set aside and the appeal is restored to its original number and position. After restoration, learned Appellate Court is directed to decide the appeal on merits after hearing both the sides, as per law.

5. Disposed of in above-said terms.

20.01.2026
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No