



In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3261 of 2024

Date of Decision: 23.01.2025

Neelkamal

... Petitioner(s)

Versus

Ashwani Kumar and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sushma Verma Syal, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. Through this revision petition, the petitioner (plaintiff in the Trial Court) assails the correctness of the First Appellate Court's order refusing to condone the delay of 2½ years in filing the application for re-admission of the appeal.
2. The plaintiff has filed a suit for specific performance of the agreement to sell on 17.08.2010 which was dismissed by a detailed judgment on 05.01.2016. Thereafter, she filed the first appeal in which the Court directed issuance of notice. However, the appellant's counsel did not deposit the postal charges. The appellant was granted various opportunities to deposit the postal charges. The Court even adjourned the case for the deposit of postal charges subject to the payment of costs. However, the appellant did not take steps to do the needful. Ultimately, the appeal was dismissed for non-prosecution on 20.07.2018. The plaintiff filed an application for re-admission on 08.03.2021 while claiming knowledge of the

dismissal of the appeal on 06.02.2021. The Appellate Court found that the explanation furnished by her is not plausible as it was her duty to contact her counsel. Thus, the Appellate Court dismissed the application.

3. The learned counsel representing the petitioner contends that on 28.05.2018, the plaintiff's counsel gave a statement that he has not been able to contact the appellant. She submits that for the error of the counsel, the plaintiff may not be made to suffer.

4. This Court has considered the submissions of the learned counsel representing the petitioner.

5. As already noticed, the appellant filed an appeal in the month of February, 2016. The Appellate Court has granted a number of opportunities to the plaintiff to pay the postal charges for issuance of notice to the respondent. After waiting for a period of 2½ years, the appeal was dismissed for non-prosecution. Subsequently, after a period of another 2½ years, she filed an application for re-admission of the appeal.

6. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

January 23, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No