



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.5517 of 2024 (O&M)

Date of Order:18.02.2025

Smt. Sajna Devi (since deceased) through LRs and another

.Petitioners

Versus

Dariya Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sumit Sangwan, Advocate
for the petitioners.

Mr. V.P.Sangwan, Advocate
for respondent nos.3, 6 to 10, 32 and 33.

Mr. Ajay Vijarania, Advocate
for respondent nos.16, 17 and 19.

ANIL KSHETARPAL, JUDGE (Oral)

1. The prayer of the petitioner to re-hear the appeal which was dismissed for non-prosecution has been declined by the First Appellate Court.

2. The petitioners claim that their advocate had died. Thereafter, son of petitioner no.1 expired. Subsequently, petitioner no.1 herself died. There was delay in filing the application for re-admission.

3. In these circumstances, the appellate court was expected to be more indulgent in considering the application. It was not appropriate for the court to dismiss the application on the ground that the petitioners have not filed application for condonation of delay.. The delay was of 26 days. In the facts and circumstances of the present case, the court could have taken a



pragmatic view of the matter.

4. Hence, the revision petition is allowed. The order dated 20.08.2024, is set aside. The appeal filed by the petitioners shall stand restored.

5. The First Appellate Court is directed to proceed with the matter.

6. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

February 18, 2025
nt

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