

Phool Singh Vs State of Haryana and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: March 25, 1998

Citation: (1998) 119 PLR 424

Hon'ble Judges: Sat Pal, J

Bench: Single Bench

Advocate: S.P. Laler, for the Appellant; D.K. Khanna, A.A.G., for the Respondent

Judgement

@JUDGMENTTAG-ORDER

Sat Pal, J.

This appeal has been directed against the judgment dated 19.7.1996 passed by the learned Additional District Judge, Bhiwani.

By this Judgment, the learned additional District Judge rejected the application filed by the appellant for condonation of delay of 16 days in filing

the appeal before the learned lower appellate Court. The learned lower appellate Court rejected the said application on the ground that a wrong

averment was made by the appellant to the effect that the SLP/Writ Petition filed by him in the Supreme Court was dismissed as withdrawn

whereas infact no SLP was filed by the appellant. In the additional affidavit filed on behalf of the appellant, the appellant has expressed regrets for

this false averment and has stated that the mistake in making the said false averment was bonafide. It has further been stated that infact the SLP

was prepared by the learned counsel but the same was not filed by him and under some erroneous impression the appellant had stated that the

SLP was filed and dismissed as withdrawn. In view of the facts stated in the additional affidavit and the appology expressed by the appellant, I am

of the opinion that the mistake on the part of the appellant was bonafide. Accordingly, the delay of 16 days in filing the appeal before the learned

lower appel late court is condoned and the impugned judgment dated 19.7.1996 passed by the learned Additional District Judge, Bhiwani is set

aside and the case is remanded to the Court of Additional District Judge, Bhiwani for deciding the matter on merits. The parties are left to bear

their own costs. The parties through their counsel are directed to appear before the learned lower appellate Court on 2.4.1998.

2. Copy of the order be given dasti on usual payment.