

(2009) 12 P&H CK 0136

High Court Of Punjab And Haryana At Chandigarh

Case No: C.R. No. 2479 of 2009

Manbhari Devi

APPELLANT

Vs

Yasin Khan

RESPONDENT

Date of Decision: Dec. 21, 2009

Hon'ble Judges: Surya Kant, J

Bench: Single Bench

Advocate: Sunil K. Rana, for the Appellant; Anurag Jain, for the Respondent

Final Decision: Allowed

Judgement

Surya Kant, J.

This revision petition is directed by the landlord whose appeal has been dismissed by the Appellate Authority, Hisar vide the impugned order dated 09.08.2008 being barred by delay of 10 days.

2. Notice of motion was issued and pursuant thereto counsel for the parties have been heard.

3. The petitioner is a Trust and has let out two rooms, one kitchen etc. to the respondent. The petitioner filed an eviction petition against the respondent on more than one grounds, which was dismissed by the Rent Controller, Hisar vide order dated 13.12.2007. Aggrieved, the petitioner-Trust preferred an appeal before the Appellate Authority, Hisar under the Act.

4. It appears that the petitioner's appeal was barred by limitation and as per the impugned order, there was a delay of 10 days in filing the same. The Appellate Authority, Hisar having found no sufficient ground, has declined to condone the said delay and has consequently, dismissed the appeal, giving rise to this revision petition.

5. While it would be an endeavour of a Court to decide every case on merits and not to close its doors on hypertechnicalities, the law of limitation, like any other Statute,

also deserves to be vigorously implemented irrespective of the hardship likely to be caused to a party. However, it cannot be overlooked that the ultimate object of conferring the power to condone the delay is to ensure justice. The Courts would, therefore, be invariably liberal in condoning the delay a party acquires indefeasible right due to lapse of time-period. A delay of ten days cannot be said to have vested such a legal right upon the respondent-tenant.

6. Counsel for the respondent, however, vehemently urges that in fact there was a delay of 30 days. He also relies upon a decision of this Court in *The United India Insurance Company v. Subhash Chander Gupta & Ors.* in CM No. 1319-CII of 1987 in Civil Revision No.855 of 1987 decided on 15.01.1988.

7. In my considered view, the petitioner's impersonal character and the fact that it acts through its office-bearers coupled with the procedural formalities like convening of meeting and passing of resolution by themselves would be a valid ground to condone a short delay of 10 days.

8. For the reasons afore-stated, the revision petition is allowed; the impugned order dated 09.08.2009 passed by the Appellate Authority, Hisar, is hereby set aside and the prayer made by the petitioner to condone the delay of 10 days in filing the appeal is accepted. The matter is remitted to the Appellate Authority, Hisar, to decide the appeal on merits afresh and in accordance with law as early as possible preferably within three months.

9. Dasti.