

Simarpreet Kaur vs. M/S Shree Balaji Rice and General Mills CRM 688-2019

CRR 18-2025

Present Sh. Rahil Birla, Advocate, for applicant/appellant
Sh. MD Loona, Advocate, for respondent.

Heard, the accompanying appeal along with this application was instituted on 04.12.2019 against the order dated 14.09.2018 passed by the court of Ms. Paraminder Kaur, the then learned Judicial Magistrate, Fazilka. In the name of sufficient cause having caused delay in institution of appeal, it is stated by the applicant that applicant is having two small children and are residing at Ludhiana. There is no one to look after them. The petition is well within time from the date of knowledge of passing order dated 14.09.2018. Therefore, she filed the present appeal along with present application without any further delay. Along with the application, applicant has also furnished her affidavit in support of the application.

Opposite party filed the reply to the application in which all averments made in the application were specifically denied, however, respondent has not furnished any affidavit in support of the reply to the present application.

I have heard the learned counsel for the parties and have gone through file carefully. The explanation put forth by the applicant is certainly not a sufficient cause as ignorance of law is no excuse. However, keeping in view the basic rule of law that every party should be given a fair opportunity to contest the matter on merits, rather than to non suit the party on technical ground of limitation. Moreover, if the present application is not allowed, then applicant would certainly suffer irreparable loss, whereas, on the other hand, appearing respondent can be compensated in terms of money for the delay in filing the present appeal. Therefore, from the above discussion, the delay of about 11 months 20 days in institution of the accompanying appeal stands condoned, subject to costs of rupees 2000/- to be paid to the opposite party and subject to deposit of rupees 500/- to be deposited in the DLSA, Fazilka.

Necessary correction in the CIS be carried out to modify the nature of this matter as Criminal Appeal. Record of learned Trial Court be

requisitioned for 04.04.2025 for arguments and for payment. Receipt regarding deposit of costs in DLSA be also produced on said date.

Pronounced in open Court.

Typed by

Rajesh Kumar,

Stenographer Gr. I

(Direct Dictation)

Dated:- 24.01.2025

Sd/-

Aman Preet Singh,

Additional Sessions Judge,

Fazilka. (UID No. PB0269)