



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

345-2

CR-4616-2024**Date of decision : 13.05.2026****Surender****..... Petitioner****versus****Sombir****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Ajay Kumar Gupta, Advocate and
Mr. Hritik Gupta, Advocate
for the petitioner.

Mr. J.P. Sharma, Advocate
for the respondent.

PANKAJ JAIN, J. (Oral)

1. Present revision petition is directed against the order dated 23.04.2024 passed by Additional District Judge, Charkhi Dadri, whereby the appeal preferred by the petitioner against judgment and decree dated 30.08.2022 passed in Civil Miscellaneous No.28 of 2016 titled as 'Surender vs. Sombir' by Civil Judge (Jr. Division), Charkhi Dadri has been dismissed on account of delay without adverting to merits. The appeal was preferred with the delay of 37 days.

2. In the considered opinion of this Court, the Appellate Court ought not have non-suited the petitioner for having filed appeal with the delay of 37 days and should have condoned the same, more so, when the condonation was being sought on account of fault of the counsel.



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3. In view of above, this Court finds that the impugned order passed by the Appellate Court dated 23.04.2024 (Annexure P-3) cannot be sustained. The same is hereby set aside. The matter is remanded back to the Appellate Court to decide the appeal on merits.

4. Parties to appear before Lower Appellate Court on **07.07.2026.**

5. Disposed off, accordingly.

(PANKAJ JAIN)
JUDGE

13.05.2026

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Whether speaking/reasoned : Yes

Whether Reportable : No