

In The Court of Commissioner, Saran Division, Chapra

B.L.D.R. Appeal No. 216/2012

Rama Nand Sah

Vrs.

Jalil Miyan & ors.

ORDER

29.09.2015 - This appeal application is directed against the impugned order passed by DCLR, Hathua in Dispossession case No. 173/2011-12 on 25.05.2012

This case could not be heard on 11.09.2015 as the appellant was absent by filing a time petition but the O.P. was present and he pressed for disposing of the matter as early as possible. Conceding the request made by the learned counsel for the O.P., this court was pleased to fix 18.09.2015 for final hearing. Curiously enough, the appellant was conspicuously absent and not even time petition was filed on his behalf. At this juncture, the learned counsel for the O.P. asserted that this case be disposed of!

However, whatever may be the urgency of the learned counsel for the O.P., this court finds it difficult to decide this case on merit in back of the appellant as the same would amount to gross injustice to the appellant who came before this court in appeal for seeking justice.

Thus, for the aforementioned reasons, I do not find any valid ground to dispose of this case on merit rather than to dismiss the same in default for the utter negligence on the part of the appellant in pursuing his case by keeping himself absent on many occasions.

Accordingly, this appeal petition is dismissed in default.

Dictated and corrected by me.

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29-9-15
Commissioner,
Saran Division, chapra

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Saran Division, Chapra