

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA
CMP No. 7009 of 2026
in
CWP No. 2524 of 2015.

Decided on : 17th July, 2026.

R.S. Katwal & Ors.	Versus	... Applicants/Petitioners.
NTPC Ltd. & Ors.		 Non-applicants/respondents.

Coram:

The Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹

For the Applicants: Dr. Lalit K. Sharma, Advocate.

For the Non-Applicants/respondents: Mr. Neeraj Gupta, Senior Advocate with Mr. Pranjal Munjal, Advocate.

Ajay Mohan Goel, Judge (Oral).

By way of this application, a prayer has been made for the recalling of order dated 15.12.2022, in terms whereof, the Civil Writ Petition No.2524 of 2015 was dismissed for non prosecution. Order dated 15.12.2022 reads as under:-

"Mr. Karan Singh Parmar, learned counsel, representing the petitioners informs the Court that the petitioners have taken the file from his Chamber.

2. Despite repeated calls, none has put in appearance on behalf of the petitioners. Accordingly, the petition is dismissed in default for non-prosecution, so also the pending miscellaneous applications, if any."

¹ Whether reporters of the local papers may be allowed to see the judgment?

...2...

2. Learned counsel for the petitioners/applicants submits that after the brief was taken by the petitioner from Shri Karan Singh Parmar, they were under bonafide belief that they shall receive notices from the Court as the learned counsel representing them had unfortunately passed away. However, subsequently when they came to know that their petition stood dismissed for non prosecution, they immediately thereafter filed an application for restoration of the petition.

3. Dr. Lalit Sharma, learned counsel submits that the order of dismissal for non prosecution of the petition is dated 15.12.2022 and the application for the recall of the order was filed on 20.02.2023. He submits that above facts demonstrate that the petitioners diligently filed the application as soon as they came to know about the dismissal of the petition for non prosecution. He submits that it would be in the interest of justice if the application is allowed and order of dismissal for non prosecution is recalled.

4. Though, the application is opposed by the learned Senior Counsel for the non-applicants, but this Court is of the considered view that in light of the explanation given in the application and

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further in light of the fact that the application for recalling of order dated 15.12.2022 was filed on 20.02.2023, it would be in the interest of justice, if the application is allowed and order dated 15.12.2022 is recalled and the petition is heard on merit.

5. Therefore, the present application is allowed and order dated 15.12.2022 is recalled. The petition is ordered to be restored to its original number. List after six weeks. In the meantime, pleadings be completed. In light of the fact that the main petition is of the year 2015, no further indulgence to either of the party shall be granted.

(Ajay Mohan Goel)
Judge

17th July, 2026.
(jai)