

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

**RA-CR No.207-CII of 2013 in/and
CR No.1225 of 2012 (O&M)
Decided on: March 12, 2015.**

State of Punjab and others

.... Petitioners

Versus

Ladhu Cooperative L & C Society and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. L.C. Aggarwal, AAG, Punjab,
for the petitioners.

Mr. Hemant Saini, Advocate,
for the respondents.

M.M.S. BEDI, J (ORAL)

Reply of respondents to the application for condonation of delay in filing the review petition is taken on record.

The petitioners have sought review of the order dated 30.01.2013 disposing of the revision petition as infructuous as Punjab State had already satisfied the decree passed in favour of respondent-Cooperative Society.

Learned counsel for the State has sought adjudication of the main revision petition on merits claiming that the State has got a right for restitution and recover the amount, in case the revision petition on merits is allowed. Though there is no ground for review of the order at the belated stage, an application under Section 5 of the Limitation Act for condonation of delay of 282 days has also been filed.

Since the State is aggrieved that it has not been given an opportunity to contest this revision petition, I deem it appropriate to recall the order of dismissal of the revision petition declaring it infructuous by

HARSHA RANI
2015.03.19 10:52
I attest to the accuracy and
integrity of this document

condoning the delay in filing the review petition.

The matter has been taken up for adjudication on merits afresh.

This is a revision petition against the order passed by the lower Appellate Court dismissing the application under Section 5 of the Limitation Act filed by the petitioners-State against money decree. The lower Appellate Court has dismissed the appeal being barred by time on the ground that each days delay has not been explained. In the present case, suit of the respondents-Cooperative Society for recovery of the amount due for the work done by the Society for the State had been decreed. There was delay of 279 days in filing of the first appeal. The lower Appellate Court had framed following issues:

- (i) Whether there are sufficient grounds for condonation of delay in filing the appeal?
- (ii) Relief.

After giving sufficient opportunity to the petitioners and appreciating evidence led in the shape of statement of SDO Ajit Singh, Sub Division, Rayya, the lower Appellate Court arrived at a conclusion that each days delay in filing the appeal had not been explained and the appellant-State authority had failed to render any plausible explanation for the delay. The officials of the State had adopted a casual approach as such the Court had not found any ground to condone the delay.

I have considered the facts and circumstances of the case and I am of the view that till date each days delay in filing of the appeal before the lower Court has not been explained. The remarks against the officials that they dealt with the matter in cursory and casual manner, however, will not be used in any manner against the officials.

No ground is made out for interference in the order of dismissal
of the appeal.

The civil revision is accordingly dismissed on merits.

(M.M.S. BEDI)
JUDGE

March 12, 2015
harsha