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

CR No.1831 of 2015

Date of decision: March 18, 2015

Smt. Safia

.....Petitioner

Versus

Smt. Maharaji Begum

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rajesh Lamba, Advocate
for the petitioner.

SABINA, J

Petitioner had filed this petition challenging the order dated 31.07.2014, whereby application moved by the petitioner for condonation of delay in filing the appeal, was dismissed.

Learned counsel for the petitioner has submitted that there was delay of about eleven days in filing the appeal. The delay in filing the appeal had occurred as the petitioner had suffered serious injuries.

Respondent had filed suit for possession and for consequential relief of permanent injunction against the petitioner. Petitioner had set up a counter claim. The suit filed by the respondent was withdrawn, whereas the counter claim filed by the petitioner was dismissed vide judgment/decreed dated 24.12.2013. Against the said judgment/decreed, petitioner preferred an appeal. Since there

was delay in filing the appeal, an application was moved by the petitioner for condonation of delay in filing the appeal. The application seeking condonation of delay in filing the appeal by the petitioner, was dismissed by the trial Court on the ground that the said application was not verified in terms of Section 141 of Code of Civil Procedure, 1908. Admittedly, in the present case, application moved by the petitioners seeking condonation of delay in filing the appeal had not been verified by the petitioner nor it was accompanied by an affidavit by the petitioner in support of the condonation of delay application.

In these circumstances, the learned Appellate Court was left with no other alternative, but to dismiss the application.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

March 18, 2015

m.singh