

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

**CR No. 3660 of 2001 (O&M)
Date of decision: 09.10.2015**

State of Haryana and another

... Petitioners

versus

Dalip G. Tapase and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Vishal Garg, Addl. Advocate General, Haryana.

Mr. Mahavir Sandhu, Advocate for the respondents.

K.Kannan, J.

The revision petition is against the order dismissing the application filed under Section 5 of the Limitation Act, for condonation of delay in preferring the appeal. The delay was of 231 days was sought to have been caused on account of the fact that the officer dealing with the records was of the opinion that it was not a fit case for appeal but still higher authority took a decision that the appeal should be filed. The delay was explained to be, therefore, on account of some administrative reasons.

The matter concerns the attempts of the State to cancel the allotment made to the plaintiff in recognition of his alleged status as a person belonging to the Scheduled Caste and the State purported to cancel the allotment principally on the ground that the certificate produced by the plaintiff is not genuine. Admittedly some installments have been paid and the suit had come to be instituted at the time when the State refused to receive the installments from the plaintiff, although he was prepared for making the installments. The cancellation was alleged to be done also on some other grounds which are not set forth hereinabove. The counsel appearing on behalf of the State submits that there are still

certain proceedings calling for reference for cancellation of allotment. I do not think it is necessary to await any decision from the revenue authorities as of now and I would believe that Civil Court would give the benefit of the adjudication which is possible in continuation of the proceedings against the trial Court judgment. The delay of 231 days is condoned on the condition that the State pays/deposit cost of Rs. 10,000/- in the form of draft in the name of the plaintiff within a period of 8 weeks from the date of the receipt of the copy of the order.

The Appellate Court shall register the appeal and take the delay as condoned and proceed to hear the appeal on merits in accordance with law.

The civil revision petition is disposed of.

(K.KANNAN)
JUDGE

09.10.2015

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