

CR No.46 of 2015

[1]

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

**CR No.46 of 2015
Date of decision:05.02.2015**

Veena Rani ...Petitioner
Versus
Gulzar Singh and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Gurpal Kaur Dulat, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner is aggrieved against the order dated 09.09.2014, dismissing her application filed under Section 5 of the Limitation Act, 1963 for condonation of delay of 146 days in filing of the appeal before the lower Appellate Court.

The lower Appellate Court, in order to decide the application, framed two issues and allowed the parties to lead their evidence. It was found that the petitioner even did not step into the witness box to prove her case in respect of the delay in filing of the appeal.

Counsel for the petitioner has, however, submitted that mother of the petitioner had appeared in the witness box and stated that since the petitioner had gone to Rajasthan to earn her livelihood, therefore, she could not file the appeal in time.

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After hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that there is no error in the order of the Court below because the best person to depose in support of her case was the petitioner herself and no evidence whatsoever can be considered on her behalf to prove the difficulty faced by her in not approaching the Court in time.

Resultantly, the present appeal is hereby dismissed being denuded of any merit.

January 05, 2015
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(Rakesh Kumar Jain)
Judge