

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

**CR No.4781 of 2013 (O&M)
Decided on: March 27, 2015.**

(247)

M/s Tilak Ram Krishan Chand

.... Petitioner

Versus

M.C. Sangrur

..... Respondent

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

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate, with
Mr. Vishaldeep Goyal, Advocate,
for the petitioner.

Mr. Gaurav Jindal, Advocate,
for respondent.

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

Plaintiff-respondent, Municipal Council Sangrur had filed a suit for declaration pertaining to the land in dispute claiming itself to be the owner of the property. The suit was dismissed. The plaintiff-respondent opted to file first appeal but on account of administrative reasons, delay was caused in filing the same. An application under Section 5 of the Limitation Act filed by the plaintiff-respondent has been allowed, vide impugned order permitting the plaintiff-respondent to file an appeal and to get a right to contest the first appeal on merits. The defendant has filed this revision petition against the order dated 25.05.2013 passed by the lower Appellate Court condoning the delay.

This revision has been filed on the ground that the delay has been condoned by the first Appellate Court merely on the basis of an order

of High Court in writ petition decided on 30.10.2012 and that each day's delay has not been explained.

I have considered the facts and circumstances of the case and I am of the opinion that the lower Appellate Court has not condoned the delay as the matter of course but on account of the fact that the matter was pending before the High Court in CWP No.4511 of 2001 which was decided on 30.10.2012. The Municipal Council has decided to file the appeal after passing a resolution as Municipal Council has been given liberty to file the appeal after taking a decision in that context.

Without going into the details of the ownership and the reasons, I am of the considered opinion that both the parties will be given a fair opportunity to contest the dispute inter se as the decision of the first Appellate Court will have long lasting effect on the rights of the parties.

No ground is made out for interference in the order passed by the lower Appellate Court condoning the delay.

Dismissed.

(M.M.S. BEDI)
JUDGE

March 27, 2015
harsha