

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.4656 of 2002 (O&M)
Date of decision: 06.05.2015

State of Punjab and others

... Petitioners

versus

Smt. Gurbachan Kaur

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Vandana Malhotra, Addl. Advocate General, Punjab.

Mr. Aseem Kalia, Advocate for

Mr. Premjit Kalia, Advocate for the respondent.

K.Kannan, J.

The suit for damages by the wife for death of the son was sought on the ground that the son died while on duty and the State was liable to the family of police official to provide for proper compensation. The State took up defence that plaintiff's son himself was a person of dubious character and he had administered poison to his fellow workers. On account of it, fellow workers became unconscious and at that time the terrorist attack had been mounted that cost the lives of not merely the fellow workers but also the plaintiff's son. The trial Court decreed the suit and rejected the defence. The decree was for payment of one lac with some other service/monetary benefits.

The State has preferred an appeal beyond the period of limitation and the delay was to the tune of over 240 days. The explanation given is that the delay was on account of some administrative reasons and beyond control. Any reason for the Government that sets up administrative work as constituting the justification would mean pleading a special law of limitation for the

State. I will allow for no such leniency for the State to plead. It could have been surely an issue for consideration if it was substantially to be considered and the interest of the State was likely to be seriously prejudiced by the decision taken. This is a case where the decree amount was meager and the fact of death of the plaintiff itself is admitted to be the result of the terrorist attack. The death of the son took place in the year 1991 and the suit was decreed on 26.08.1998. To allow for such a case to be reopened at this length of time would be a travesty of justice. I decline to make any intervention of the order passed by the Court below dismissing the application to condone the delay.

The civil revision petition is dismissed with above observations.

06.05.2015
kv

(K.KANNAN)
JUDGE