

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

**RFA No.2264 of 2011 (O&M)
Date of decision: 21.01.2015**

Sarjo

....Appellant

Versus

State of Haryana and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Roopak Bansal, Advocate for the appellant.

Mr. Sharad Kumar Yadav, DAG, Haryana
for respondents No.1 and 2.

Mr. Rahul Garg, Advocate for respondent No.3.

Rakesh Kumar Jain, J. (Oral)

CM No.5542-CI of 2011

This is an application under Section 5 of the Limitation Act for condonation of delay of 1968 days in filing of the appeal. Reply to the application has been filed. Besides other grounds taken in the application, learned counsel for the appellant has submitted that the present appeal is squarely covered by a decision rendered by this Court in the case of **Sanjay Singh and others Vs. State of Haryana and others in RFA No.2537 of 2005, decided on 21.12.2009.**

This fact is also admitted by the counsel for the State-respondents.

In view, therefore, the present application is allowed and

delay of 1968 days in filing the appeal is hereby condoned.

CM No.5543-CI of 2011

For the reasons mentioned in the application, the same is allowed and the delay of 43 days in re-filing of the appeal is condoned.

RFA No.2264 of 2011

Counsel for the appellant has submitted that respondents No.4 to 10 are the performa respondents. Therefore, service upon respondents No.4 to 10 is not required and service upon them may be dispensed with. I order accordingly.

With the consent of both the parties, the present appeal is taken up for disposal as counsel for both the parties have admitted this fact that the present case is squarely covered by a decision rendered by this Court in the case of **Sanjay Singh and others Vs. State of Haryana and others in RFA No.2537 of 2005, decided on 21.12.2009.** Thus in view thereof, the present appeal is disposed of in view of the decision rendered in the case of **Sanjay Singh and others (Supra).**

Disposed of.

January 21, 2015
Manoj Bhutani

(Rakesh Kumar Jain)
Judge