

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

**RSA No.1964 of 2010 (O&M)
Date of Decision: 11.05.2015**

Hirdya Ram

... Appellant

Versus

Karma & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vineet Chaudhary, Advocate,
for the appellant.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

This appeal is accompanied by an application i.e. C.M. No.6133-C of 2010 for condonation of 116 days in filing the same. The only reason to explain sufficient cause in para. 2 of the application for the delay in filing the appeal is as stated as follows:-

“That the counsel has been shifted his house from Ambala to Chandigarh due to this reason paper book of the case has been misplaced, when the paper book find the case has been filed immediately.”

No material particulars have been pleaded in the application as to when the shifting took place relocating the counsel from one town to the other. Nor have any foundational facts been laid or dates mentioned as to when the paper book was lost and when it was found. In absence of any plausible or cogent reason given explaining the delay, the application as filed does not merit consideration under order 41 Rule 3A CPC as it lacks the bare ingredients of a plausible explanation or sufficient cause which

may persuade the court to entertain the appeal beyond the prescribed period of limitation, and therefore the application is dismissed.

In view of the order passed in C.M. No.6133-C of 2010, no orders are required to be passed either on the application (C.M. No.6134-C of 2010) for condonation of 80 days in refiling the appeal or in the main appeal which was filed in the year 2010 and has been pending in adjournment motion hearing without notice issued to the opposite party long enough even when valuable rights stand accrued and vested in the respondents for the last 5 years.

The appeal stands dismissed as barred by limitation.

11.05.2015
monika

(RAJIV NARAIN RAINA)
JUDGE

