

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No. 11071 and 11072-CII of 2015 in/and
FAO No. 3681 of 2015 (O/M)
Date of decision : 25.5.2015

Rajbir Singh

..... Appellant

Versus

Executive Engineer, RLI Water Services Division, Jhajjar and
another Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Anil Kumar Gahlawat, Advocate,
for the applicant-appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

This order will dispose of CM Nos. 11071-CII and 11072-CII of 2015, seeking condonation of delay of 1398 days in re-filing and condonation of delay of 14 days in filing the present appeal.

It is stated in the application that the appeal was filed before this Court on 19.5.2011. Certain objections were raised by the Registry on 13.6.2011 and the file was returned. Inadvertently, the counsel put the papers of the appeal in the admitted brief in his office and thereafter, he forgot to file the present appeal. It was only on 20th May of this year when the counsel found the said papers, he removed the objections and filed the appeal, resulting in delay of 1398 days in re-filing the appeal.

CM No. 11071 and 11072-CII of 2015 in/and
FAO No. 3681 of 2015 (O/M)

SANJIV KUMAR SHARMA
2015.05.28 16:55
I attest to the accuracy and
authenticity of this document

I am of the view that when the objections were raised by the Registry of this Court, these are expected to be removed expeditiously and there has to be some limit upto which the Court can show indulgence in condoning the time consumed in re-filing the appeal. The plea that the papers of the appeal were placed in some other admitted brief cannot be accepted since the second print out could be taken from the computer and if the certified copy is lost, the same could again be obtained. However, there is delay of about four years in re-filing the appeal. The reasons mentioned in the application are considered to be not sufficient to condone such huge delay. Hence, the application for condonation of delay of 1398 days in re-filing and the application for condonation of delay of 14 days in filing the present appeal are dismissed. Consequently, the present appeal is dismissed.

(KULDIP SINGH)
JUDGE

25.5.2015
sjks