

**CM No. 26725-CII-2014 in/and
FAO No. 9659 of 2014**

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

**CM No. 26725-CII-2014 in/and
FAO No. 9659 of 2014
DECIDED ON: November 03, 2015**

Dilbagh Singh

.....Applicant/appellant...

VERSUS

Surender Kumar and another

....Respondents...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

**Present: Mr. Vikram Bali, Advocate,
for the applicant-appellant.**

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

JASPAL SINGH, J.

CM No.26725-CII-2014

This order shall dispose of an application moved under Section 5 of the Limitation Act for condonation of delay of 461 days in filing the accompanying appeal bearing FAO No. 9659 of 2014.

The explanation furnished by the applicant-appellant is that after the claim petition was allowed by Motor Accident Claims Tribunal, Panchkula vide order dated March 01, 2013, he asked his counsel Mr. Lalit Gupta, Advocate to prefer an appeal for enhancement of compensation but subsequently, it came to light in the month of July 2014 that the appeal has not been presented by Mr. Satyavir Chauhan, who was engaged by Mr. Lalit Gupta,

Advocate and returned the present appeal as well as the other appeal(s) to Mr. Lalit Gupta, Advocate. It was only, thereafter, the appeal was filed.

There is nothing on the record to suggest that Mr. Satyavir Chauhan, Advocate was ever engaged as a counsel either by the applicant-appellant or by Mr. Lalit Gupta, Advocate because there is no affidavit of Mr. Satyavir Chauhan to explain the above said circumstances. It is a well settled proposition of law that day-to-day delay is to be explained by the concerned person as after the expiry of the limitation period, a right has accrued to the opposite party, which cannot be scuttled down at the wish & whim of the appellant. Since, there is no cogent or convincing record/explanation for condonation of such a huge delay of 461 days, application stands dismissed.

Main appeal

Consequent to the dismissal of the application for condonation of delay, FAO No. 9659 of 2014 also stands dismissed.

November 03, 2015
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(JASPAL SINGH)
JUDGE