

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

**CM No.2457-CII of 2015
in/ and FAO No.897 of 2015 (O&M)
Date of decision: 06.07.2015**

Dharam Pal

..... Appellant

versus

**Haryana State Cooperative Supply and Marketing Federation
Limited and others**

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.S.K.Hooda, Advocate for the appellants

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Appellant has filed this appeal against award dated 17.11.2009, passed by the Additional District Judge, Jind whereby objections filed under Section 34 of the the Arbitration and Conciliation Act, 1996 against the award dated 14.12.1998 were dismissed.

Along with the appeal an application has been filed for condonation of delay of 1756 days in re-filing the appeal.

It is stated in the application that the appeal was filed on 10.2.2010 but the same was returned with some objections by the Registry on 19.4.2010. Thereafter, in April 2010 counsel for the appellant shifted his office from the ground floor to first floor and while shifting the office, Clerk of the counsel inadvertently put the

bundle of the connected appeals along with the paper book of this appeal in the store room. Then it skipped from the mind of the Clerk of the counsel as well as the counsel to re-file the appeal.

I have heard learned counsel for the applicant-appellant and have also carefully gone through the file.

Grounds mentioned in the application are supported by an affidavit of clerk of the counsel for the applicant-appellant. In this case, there is a delay of nearly five years in re-filing the appeal. In this case, award was passed against the applicant and his objections were also dismissed. The ground taken in the application is that the office was shifted from the ground floor to first floor and the clerk had put the bundle of connected appeals with the paper book of this appeal in the store room and then it skipped from the mind of the clerk as well as of the counsel for the appellant to refile the appeal.

I am of the view that this ground is not acceptable. When the appeal is filed and the same is returned with objections, it remains fresh in the mind of the clerk as well as the counsel and also in the mind of the party, which continuously keeps on inquiring about the fate of the case. The entire blame has been put on the clerk of the counsel, who has readily accepted the same and filed an affidavit. I am not convinced with the ground put forth in the application. Accordingly, delay of 1756 days in re-filing the appeal is not to be condoned and application for the same is dismissed. Consequently, appeal also stands dismissed.

06.07.2015*gk***(Kuldip Singh)
Judge**