

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

RSA No.3673 of 2011 (O&M)
Date of decision: 21.08.2015

Harditta Ram

... Appellant

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. S.K.Jain, Advocate, for the appellant.

Mr. Ravi Pratap Singh, AAG, Haryana.

AMIT RAWAL J. (Oral)

C.M.No.10372-C of 2011

The application under Section 5 of the Limitation Act, for condonation of 2038 days in filing the appeal has been filed, which is accompanied by an affidavit.

Reasons for making delay in filing the appeal are that after the appeal filed against the judgment and decree of the trial Court was also dismissed by the lower Appellate Court on the ground of maintainability of the suit, the applicants, being illiterate and rustic person sought the advice of the counsel of the trial Court as to whether the applicants should file an appeal before Hon'ble High

Court. The counsel advised the applicants that there is very little scope of interference in second appeal. Subsequently, the similarly situated persons had got the relief from a Co-ordinate Bench of this Court in RSA No.2849 of 2001 titled as State of Haryana and others vs. Hakam Chand and others decided on 27.04.2009. After acquiring the knowledge of the aforementioned judgment, in the month of May, 2011, when the applicants came to the office of the Block Development and Panchayat Officer, Sirsa for purchasing quality seed of Jawar for Kharif, they also decided to file regular second appeal and in this manner, the aforementioned delay has occurred.

In support of aforementioned averments made in the application, learned counsel for the appellants relied upon the judgment of Hon'ble the Supreme Court in **Esha Bhattacharjee vs. Managing Committee of Raghunathpur Nafar Academy and others** (2013) 12 Supreme Court Cases 649, laying down the principles for condonation of delay.

From the contents of the application, it would be presumed that the applicants were lacking in bona fides. Accordingly, for the reasons stated in the application, which is duly supported by an affidavit and in view of the ratio decidendi culled by the Hon'ble Supreme Court in Esha Bhattacharjee's case (supra), delay of 2038 days in filing the appeal is condoned.

C.M. stands disposed of.

RSA No.3673 of 2011 (O&M)

For orders, see detailed reasons recorded in a separate order passed to day in RSA No.3664 of 2011 titled as Des Raj and others vs. State of Haryana and others.

**(AMIT RAWAL)
JUDGE**

August 21, 2015
savita