

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

VARINDER SINGH
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Punjab & Haryana High Court at
Chandigarh

RSA No. 1129 of 2012 (O&M)

Ved Parkash and others	VS	... Appellants
Mahinder Singh		... Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Jagjot Singh, Advocate for
Mr. Kunal Dawar, Advocate, for the appellants.

Rajesh Bindal, J.

The plaintiffs having failed in both the Courts below have filed the present appeal impugning the judgments and decrees whereby the suit filed by their predecessor in interest for possession, was dismissed. Along with the appeal, application seeking condonation of delay of 1,125 days in filing the appeal has also been filed.

Only ground taken in the application is that the local counsel was instructed to arrange for filing the appeal. Hence, the applicants-appellants were under the impression that the appeal had been filed within the period of limitation. But when nothing was heard, the matter was enquired. It was only towards the end of 2011, on enquiry it was found that the appeal had not been filed. It was thereafter that the present appeal was filed in January, 2012. However, I do not find the ground mentioned for seeking condonation of delay of 1,125 days in filing the appeal to be justifiable. Neither the name of the counsel has been mentioned nor any complaint was made against him to any authority for not filing the appeal despite his engagement as a counsel. Once there is no reasonable explanation for delay of 1,125 days in filing the appeal, in my opinion, no case is made out for condonation of delay. Hence, the application is dismissed. Consequently, the appeal and other accompanying applications are also dismissed.

9.4.2015
vs

(Rajesh Bindal)
Judge