

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.613 of 2014 (O&M)
Date of Decision: February 16, 2015

Sardul Singh and othersAppellants
versus
Financial Commissioner Corporation, Punjab and others
.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE RAJ MOHAN SINGH.

Present:Mr.Sanjeev Kumar Bawa, Adv. for the appellants

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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?*

Surya Kant, J. (Oral)

This letters patent appeal assails the order dated 20.11.2013 whereby the learned Single Judge has dismissed the appellants' writ petition on the ground of unexplained inordinate delay and laches. The learned Single Judge has observed that the writ petition was filed after 3½ years of passing of the impugned order dated 19.03.2010. While holding so, the learned Single Judge declined to accept the appellants' explanation that the brief was handed-over to Mr.Kulwant Rai, Advocate, Jalandhar for filing the writ petition in the year 2010 or that they came to know about the unfortunate demise of Mr.Kulwant Rai, Advocate, in March, 2013.

With a view to give a fair opportunity to the appellants to explain the delay, we gave liberty to the appellants vide order dated 26.08.2014 to file an affidavit

alongwith details of the cases in which Mr.Kulwant Rai, Advocate was engaged by them, as the plea taken before us was that the said district court lawyer used to represent the appellants in a series of cases.

In purported compliance to the above-stated order, the first appellant has filed his affidavit furnishing particulars of yet another case in which Mr.Kulwant Rai, Advocate, was engaged. It obviously shows that it was not the case where Mr.Kulwant Rai, Advocate, was being engaged by the appellants in multiple court cases and which could prompt them to entrust even the High Court brief also to the same counsel. It thus appears that the explanation put-forth by the appellants regarding engagement of Mr.Kulwant Rai, Advocate of Jalandhar for filing writ petition in the High Court at Chandigarh, falls short of reasonable explanation and cannot be accepted.

For the reasons afore-stated, we decline to interfere with the order passed by learned Single Judge.

Dismissed.

[SURYA KANT]
JUDGE

February 16, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE

102 CM No.509 of 2015 and
CM No.1419 of 2014 in
LPA No.613 of 2014

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Sardeul Singh and others vs Financial Commissioner, Punjab &
ors

Present : Mr.Sanjeev Kumar Bawa, Advocate,
for the applicant-appellants.

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CM No.509 of 2015

For the reasons mentioned in the application, the
same is allowed subject to all just exceptions and the
documents (Annexures A-1 and A-2) are taken on record.

CM stands disposed of.

CM No.1419 of 2014

For the reasons mentioned in the application, the
same is allowed subject to all just exceptions and 35 days'
delay in re-filing the appeal is condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

February 16, 2015

Mohinder

(RAJ MOHAN SINGH)
JUDGE