

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No. 4269-C of 2013 in/and
RSA No. 1609 of 2013 (O/M)
Date of decision : 27.11.2015

M/s Jai Durga Rice Mills

..... Appellant

Versus

Om Parkash

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Mrigank Sharma, Advocate,
for the applicant-appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH, J. (ORAL)

CM No. 4269-C of 2015

An application has been filed for condonation of delay of 1445 days in re-filing the present appeal.

It is stated that the appeal was filed on 24.2.2009. The same was returned by the Registry with certain objections on 25.2.2009. The appeal was again filed on 18.3.2009, but again returned on 19.3.2009. After removing the objections, the same was re-filed 24.3.2009 and once again, returned with objection regarding the court fees on the same date. The appeal was again re-filed on 10.9.2009 and was again returned with some objections. The present appeal is now being re-filed on 22.3.2013. It is stated that

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inadvertently the file of the present appeal was tagged with another file of the same name by the clerk and re-filed when the same was re-located. Consequently, the delay has occurred. The application is supported by an affidavit of the advocate.

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

It comes out that when the appeal was filed, the same was returned by the Registry with some objections on the next day, but the objections were not removed. For the last time, the appeal was returned with objections about the court fees on 10.9.2009. Thereafter, for three years and six months, the appeal was not re-filed, stating that the same was tagged with another file.

I am of the view that this is merely an excuse for condoning the delay of 1445 days in refiling the appeal. Infact, the objection regarding insufficient court fees was raised and for this reason, the appeal was not re-filed. There is no sufficient cause for condoning the delay of 1445 days in refiling the present appeal. Accordingly, the application for condonation of 1445 days in refiling the present appeal is dismissed. Consequently, the present appeal also stands dismissed.

27.11.2015
sjks

(KULDIP SINGH)
JUDGE