

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

DATE OF DECISION: AUGUST 13, 2015

Brij Pal and another

.....Appellants

VERSUS

Smt.Kailasho Devi

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

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

**Present: Mr. Yogesh Chaudhary, Advocate,
for the appellants.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No.9405-C of 2015 under Section 5 read with Section 14 of the Limitation Act has been filed for condonation of delay for 880 days in filing the present appeal.

The suit was filed by respondent-plaintiff, Smt.Kailasho Devi, which was decreed on 18.07.2009 by the Civil Judge (Senior Division), Karnal. An appeal was preferred against the said decree, which was dismissed vide judgement and decree dated 13.12.2012 by the Additional District Judge, Karnal. A review application was filed before the Additional District Judge, Karnal, on 24.09.2014, after a delay of more than one and a half years. The said application was considered and decided vide order dated 24.09.2014 (Annexure A-1) on the ground of delay. Still, the

appellant slept over the matter again and now filed the present appeal on 10.08.2015, which again is delayed even if it is taken from the date of dismissal of review application.

The explanation, which has been put forth in the application for condonation of delay, is that the counsel for the appellant before the Appellate Court firstly did not inform the decision in the appeal and thereafter the fate of the review application. In fact, he had misguided the appellant by asserting that appeal has also been filed in the High Court whereas as a matter of fact, it was not so.

Having considered the grounds as have been asserted in the present application for condonation of delay, the same are found to be ingenuine and unjustifiable. No prudent man will accept the explanation as given in the application for condonation of inordinate delay of 880 days.

In view of the above, the present application for condonation of delay stands dismissed. As a consequence thereof, the appeal also stands dismissed.

August 13, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE