

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

**CM-1870-C-2015 in/and
RSA No.636 of 2015 (O&M)
Date of Decision: October 16, 2015**

Nirmaljit Singh

.... Appellant

vs.

Joga Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Gurcharan Dass, Advocate
for the applicant-appellant.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

An application has been filed along with the present regular second appeal for condonation of delay of 1260 days in refiling the appeal.

It is stated that the original appeal was filed on 09.06.2011 and certain objections were raised by the Registry on 04.07.2011. At that time, Shri Rajinder Kumar, Clerk of the counsel put the paper book of the R.S.A. in some other brief and the same could not be located. Now, another Clerk, namely, Shri Mohit Dadwal, has traced out the said paper book and the appeal is being re-filed.

The application is supported by an affidavit of the applicant-appellant-Nirmaljit Singh.

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

It comes out that there is a delay of about four years in refiling the appeal. The only ground for such huge delay is that the Clerk of the counsel had put the paper book of the present RSA in some other brief. Therefore, it could not be located.

In this era of computers, when the paper book is lost, the second print of the same can easily be printed. Therefore, such ground for the condonation of delay is not available to the applicant-appellant. No affidavit of Clerks, namely Shri Rajinder Kumar and Shri Mohit Dadwal has been filed. There is inordinate delay of about four years. Some cap is to be imposed up to which the delay in refiling the appeal can be condoned.

For the reasons mentioned as above, no ground is made out to condone such huge delay in refiling the present appeal. Accordingly, the application for condonation of delay of 1260 days in refiling the present appeal is dismissed. Consequently, the present regular second appeal also stands dismissed.

October 16, 2015
sarita

(KULDIP SINGH)
JUDGE