

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.3423 of 2016

Date of Decision.16.05.2016

Jagtar Singh

.....Petitioner

Vs.

Resham Lal and another

.....Respondents

Present: Mr. S.P. Soi, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The petitioner has a frail content with argument but it is put with remarkable felicity and persuasiveness that delay of six months in preferring appeal was not explained. It is a suit in relation to right to immovable property and as regards a relief of mandatory injunction that was not decreed in his favour, the plaintiff did not originally prefer an appeal. The defendant had preferred appeal. The plaintiff was served with notice in appeal in March and later the plaintiff filed his own appeal in June, 2015. The explanation given by him was that he was advised by the counsel at the trial Court that he need not prefer an appeal and it is sufficient if the defendant prefers an appeal and he could challenge the finding in his appeal. He later advised that such process is not possible and it would be only appropriate that an independent appeal is filed. This explanation was accepted by the Appellate Court and has condoned the delay.

2. The revision petitioner has referred to several judgements in Gajjan Singh Vs. Ram Lok 1978 PLR 381; Hari Kishan Vs. Gian Kaur 1996(2) PLR 360; Darshna Devi Vs. Darbari Lal 1985(2) PLR 262 and Maniben Devraj Shah Vs. Municipal Corporation of Brihan Mumbai 2012(5) SCC 157. I do not think that there is any particular law involved in an issue relating to condonation of delay, for after all delay is systemic and if High Court takes 20 years and Appellate Courts take 5 years in deciding the cases, delay of six months ought not to be taken against the party to deny the opportunity of prosecuting the case on merits.

3. The order already passed is sustained and the revision petition is dismissed.

(K. KANNAN)
JUDGE

May 16, 2016
Pankaj*