

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Sr. No: 111

FAO-M-37-2016 (O&M)
Date of decision: 25th January 2016

Vijay Singh

.... Appellant

VERSUS

Lali @ Lalita

..... Respondent

CORAM: **HON'BLE MR. JUSTICE RAJIVE BHALLA**
HON'BLE MR. HARI PAL VERMA

Present: **Mr. K.K. Saini, Advocate**
for the appellant.

RAJIVE BHALLA, J. (Oral)

The appeal, challenging judgment and decree dated 17.11.2010, passed by the Additional District Judge, Rewari dissolving the marriage between the parties, has been filed after a delay of 1786 days.

A perusal of the application for condonation of delay reveals that it is devoid of any averment that would fall within the meaning of the expression 'sufficient cause' used in Section 5 of the Limitation Act. Even if we assign a liberal interpretation to the said expression considering that the matter in dispute arises from a matrimonial dispute and is a first appeal the absence of any cogent explanation for this delay of more nearly 5 years does not enable us to condone delay. The appellant's explanation that the file was entrusted to a counsel at Rewari to file an appeal and that the

appellant could not arrange funds for filing the appeal cannot be accepted

as a person would not take about 5 years to arrange funds for filing an appeal. The explanation is also devoid of any particulars of the date, the month, the year when the appeal was entrusted and the name of the counsel.

Consequently, finding no merit the application for condonation of delay and the appeal are dismissed.

(RAJIVE BHALLA)
JUDGE

25th January 2016
 jyoti III

(HARI PAL VERMA)
JUDGE