

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

**LPA No.1725 of 2015 (O & M)
Date of decision:14.01.2016**

Lala Munshi Ram Institute of Health Sciences, Batala Road, Dera
Baba Nanak Gurdaspur, Punjab

...Appellant

Versus

The State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE S.S. SARON
 HON'BLE MR. JUSTICE GURMIT RAM

Present: Mr. Rahul Sharma, Advocate
 for the appellant

Mr. P.P.S. Thethi, Additional Advocate
General, Punjab for respondent No.1 – State.

Mr. D.S. Sobti, Advocate
for respondents No.2 and 3

Mr. Gagandeep Singh Sirphikhi, Advocate
and respondents No.4 to 60.

S.S. Saron, J.

This appeal (LPA No.1725 of 2015) has been filed by the appellant - Lala Munshi Ram Institute of Health Sciences, Batala Road, Dera Baba Nanak, Gurdaspur against the judgment and order dated 17.7.2014 passed by the learned Single Judge in CWP No.1143 of 2013. Respondents No.4 to 60 in the present appeal have also filed LPA No.2120 of 2014 against the said judgment and order.

Along with the present appeal, CM No. 3686-LPA of 2015 has been filed by the appellant seeking condonation of 473 days delay in filing the appeal.

Notice is issued in the application seeking condonation of delay in filing the appeal and also in the appeal, which on the asking of the Court is accepted by learned counsel appearing for the respective respondents.

Heard learned counsel for the parties.

It is submitted on behalf of the appellant that Smt. Manjinder Kaur had apprised the members of the Society i.e. the Lala Munshi Ram Memorial Welfare Society that an appeal against the judgment dated 17.07.2014 had been filed vide Diary No.1235997. Thus the members of the Lala Munshi Ram Memorial Welfare Society were under the impression that the appeal filed against the impugned judgment was pending in this Court. It is only after the Management of the appellant-Institute was summoned by this Court that inquiries were made with regard to the appeal said to have been preferred. It then transpired that objections that had been raised by the Registry of this Court were never removed. Therefore, no valid appeal had been preferred against the impugned judgment. An urgent meeting was held on 10.10.2015 and it was decided that Sh. Jatinder Singh would look into the matter. Thereafter, the entire paper book was arranged and an advocate engaged to file the present appeal. This resulted in delay of 473 days in filing the appeal, which is neither intentional nor deliberate. It is also submitted that this Court is already seized of the matter in LPA No.2120 of 2014 'Sarbjit Kaur and others v. State of Punjab'. Therefore, it is prayed that the delay be condoned. The civil miscellaneous application is supported by an affidavit of Jatinder

Singh son of Sh. Amrik Singh. A copy of the resolution dated 10.10.2015 passed by the Munshi Ram Memorial Welfare Society (Regd.), Punjab has been filed.

The appeal was taken up on 09.12.2015 and adjourned to 17.12.2015. On which date, it was adjourned to 21.12.2015 and ordered to be listed with LPA No.2120 of 2014.

The present LPA arises out of the same judgment and order dated 17.07.2014 passed by the learned Single Judge in CWP No.1143 of 2013. Therefore, since the matter is already under consideration in connected LPA No.2120 of 2014, it would be just and expedient to condone the delay in filing the appeal and dispose of the present appeal with the said appeal.

In the circumstances, delay in filing the appeal is condoned

The appeal is allowed in terms of the order passed in LPA No.2120 of 2014.

(S.S. SARON)
JUDGE

(GURMIT RAM)
JUDGE

Brij/A.Kaundal
14.01.2016