

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

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**CM No.3390 to 3392-LPA of 2016 in/and**

**LPA No.1660 of 2016 (O&M)**

**Date of Decision: 02.09.2016**

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State of Punjab & Ors.

... Appellants

VS.

Ram Dass & Ors.

... Respondents

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**CORAM: HON'BLE MR.JUSTICE SURYA KANT**

**HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

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1. Whether speaking / reasoned?

**Yes / No**

2. Whether reportable?

**Yes / No**

3. Whether Reporters of local papers may be allowed to see the judgment?

**Yes / No**

4. To be referred to the Reporters or not?

**Yes / No**

5. Whether the judgment should be reported in the Digest?

**Yes / No**

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Present: Mr. Rajesh Bhardwaj, Addl. AG Punjab

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**SURYA KANT, J. (Oral)**

(1) The instant Letters Patent Appeal challenges the order dated 10.10.2013 of the learned Single Judge. As there is delay of 813 days in filing and 85 days in re-filing the appeal, separate applications for condonation of such delays have also been moved.

(2) In the application for condonation of delay of 813 days, it is averred that the instant writ petition was allowed in terms of earlier decision of this Court in Gurcharan Singh vs. State of Punjab (CWP No.9393 of 1997) in which review application was filed. A decision to file review application in the instant case was also taken but before it could be filed, the review application in Gurcharan Singh's case was dismissed by learned Single Judge on 01.05.2014. Thereafter, the LPA was filed in Gurcharan Singh's case which is stated to be pending.

(3) Subsequently, decision was taken to file appeal in the instant case also, hence the appeal was filed on 21.04.2016.

(4) Having gone through the contents of the application and having heard learned State counsel, we do not find any reasonable explanation to condone the inordinate delay. Even after dismissal of the review in Gurcharan Singh's case, the authorities took one year to decide to file the instant appeal whereas they were well aware of the fact that the time limit to prefer Intra-Court Appeal is 30 days only.

(5) For the reasons afore-stated, we decline to condone the delay and consequently dismiss the application (CM-3390-LPA-2016) seeking condonation of delay of 813 days in filing the appeal.

(6) As a necessary corollary thereto, the appeal must fail and is ordered accordingly.

**CM-3391-LPA-2016**

For the reasons mentioned in the application, the same is allowed and the delay of 85 days in re-filing the appeal is condoned.

CM stands disposed of.

**(Surya Kant)**  
**Judge**

**02.09.2016**  
*vishal shonkar*

**(Sudip Ahluwalia)**  
**Judge**