

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

RSA No.3906 of 2015 (O&M)
Date of Decision.11.07.2016

Smt. Kaur De (deceased) through LR

.....Appellant

Vs.

Shamsher and others

.....Respondents

Present: Mr. Munish Kumar Garg, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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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AMIT RAWAL J. (ORAL)

The appellant-plaintiff is aggrieved of the concurrent findings of the Courts below whereby the claim in the suit with regard to challenge to the release deed dated 16.11.2007 has been declined. The appeal is accompanied with an application seeking condonation of delay of 818 days. Reason given in the application seeking condonation of delay is that there was some family problem and therefore, the appeal could not be filed within the prescribed time. The relevant contents of the application reads as under:-

XXXX XXXX XXXX XXXX

“That the ld. lower courts below passed the impugned judgement and decree against the present appellant along with the proforma respondents but due to some family problem the present appellant could not be able to file the present appeal within the stipulated time period provided under the Act and due to this above said reason the present appeal was not filed and, therefore, delay is caused in filing the present appeal.”

XXXX XXXX XXXX XXXX

The aforementioned reason is not sufficient for seeking condonation of delay. Even otherwise on merits, the appellant-plaintiff has failed to prove on record the original release deed, much less, the ingredients of Order 6 Rule 4 CPC have not been fulfilled and that is why, the Courts below have not interfered in the claim agitated in the suit. In my view, the appeal does not warrant any interference on account of delay and as well as on merits.

There is no substantial question of law arises for consideration in the second appeal. The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

July 11, 2016
Pankaj*