

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.4604 of 2015 (O&M)
Date of Decision:- 07.09.2016.

Mohinder J. Singh

.....Appellant

Versus

The Christian Medical College, Ludhiana

.....Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Arun Jindal, Advocate for the applicant/appellant.

P.B. BAJANTHRI, J. (Oral)

CM No.11124-C of 2015

Initially reasons for condoning the delay of 1300 days in re-filing the appeal were not assigned properly. Therefore, the appellant was directed to file better affidavit. Accordingly, better affidavit has been filed and placed on record vide CM No.11311-C of 2016. The appellant is aggrieved by the Appellate Court dated 21.7.2011 and presented the RSA No.4604 of 2015 on 31.10.2011. Registry of this Court raised objections on 9.11.2011 which are as under:-

“ (i) Page marking.

(ii) Opening sheet.

(iii) Law point.

(iv) How the Court fee assessed and affixed.

*(v) Sufficient Court fee should be fixed as per
new amended Court Fee Act. ”*

the Registry. After rectifying objections (i) to (iii), it was re-filed. Once again the Registry raised objection for non-compliance on 4.7.2012. Again without complying the objection case was re-filed in the month of July, 2012. On 10.12.2012, once again case was filed and the file was returned on 24.12.2012 for non-compliance of objection. Thereafter, it was re-filed on 30.5.2014 and it was returned on 03.07.2014 with the same objection. The appellant submitted that he was contacted through Sh. Paramjit Singh, Advocate, Ludhiana in the month of September, 2015 for compliance of deficit of Court fee of ₹ 4995/-. Thereafter on 8.9.2015 deficiency of Court fee was paid. Perusal of the affidavit do not reveal sufficient cause for condonation of delay in re-filing for about 1300 days. Therefore, CM for condonation of delay of 1300 days in re-filing the application is liable to be rejected. Learned counsel for the appellant relied on a division bench judgment of this Court reported in **2011 (2) ICC 877 Brij Mohan Sagar and another Vs. State of Haryana and another** wherein there is delay of 7 years in re-filing the appeal. The above matter is relating to payment of compensation pursuant to land acquisition. In fact, the Division Bench noted that sufficient ground for condonation of delay has not been made out. However, since it was related to payment of compensation petition was entertained. In the present case, matter is relating to recovery of penal rent. Therefore, Division Bench decision is distinguishable for the reasons that Government was required to pay compensation for having acquired the land in cited case. At the best appellant therein may not be entitled for interest. Therefore, the present case is distinguishable.

Accordingly, CM for condonation of delay of 1300 days in re-

filing the appeal is rejected.

RSA No.4604 of 2015 (O&M)

As CM for condoning the delay of 1300 days in re-filing the appeal is rejected, consequently, the main appeal also stands dismissed.

(P.B. BAJANTHRI)
JUDGE

September 07, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.