

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

**C.M. NOS.12982 TO 12984 C OF 2015 &
R.S.A. NO.5443 OF 2015
DATE OF DECISION: FEBRUARY 11, 2016**

Laxmi Devi

.....Appellant

VERSUS

Badlu

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Vijay Saini &
Mr. Rakesh Nehra, Advocates,
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No.12982 C of 2015

Application is allowed.

Exemption is granted from filing certified copies of the judgments and decree subject to all just exceptions.

C.M. Nos.12983-12984 C of 2015 & R.S.A. No.5443 of 2015

Prayer in C.M. No.12983 C of 2015 is for condonation of delay of 270 days in refiling the appeal.

The reason assigned for the delay is that after filing of the appeal, Registry raised an objection that certified copy of the judgment and decree passed by the trial Court has not been attached. The same was obtained and thereafter the appeal refiled, which has resulted in delay of 270

days in refiling the appeal.

A perusal of the said application would show that it is bereft of any details as to when the copy of the judgment and decree passed by the trial Court was applied for, when it was prepared and when it was supplied and received by counsel for the applicant-appellant. There appears to be no justification for condonation of delay in refiling the appeal.

Similarly in C.M. No.12984 C of 2015, prayer is for condonation of delay of 156 days in filing the appeal.

The reason assigned is that the applicant-appellant, being an illiterate lady, was told by her counsel in the District Court that appeal in the High Court could be filed within a period of six months after the decision of the case and holidays i.e. summer vacations and it was not to be counted towards the limitation period. The applicant-appellant thereafter approached the counsel, who then informed her that the period for filing the appeal was in fact 90 days and, therefore, the appeal, when filed, was delayed by 156 days.

This explanation as given by counsel for the applicant-appellant cannot be accepted as it is difficult to believe that the counsel would not be aware of the period of limitation for filing an appeal in the High Court. It has also not been mentioned in the application as to what action was taken against the counsel of the District Court. Further no detail with regard to the dates on which various acts were done have been mentioned. The delay in filing the appeal has not been explained at all and, therefore, since the mandate of the statute has not been complied with, this application also deserves dismissal.

In view of the above, both the applications for condonation of

delay in refiling as well as filing the appeal stand dismissed.

Since both the applications stand dismissed, the main appeal also stands dismissed being barred by limitation.

February 11, 2016
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(AUGUSTINE GEORGE MASIH)
JUDGE