

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

RSA No.3465 of 2014 (O&M)

Date of Decision:22.09.2016

State of Punjab

... Appellant

Vs.

Krishan Lal

... Respondent

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

Present : Mr. M.S. Naryal, Addl. A.G. Punjab.

Mr. Rajesh Bansal, Advocate for the respondent.

P.B. BAJANTHRI J.

On 14.09.2016 when the matter was heard regarding condonation of delay of 3671 days in filing the appeal, it was made clear that sufficient cause has not been shown to condone the delay of 3671 days. It was also made clear that if the appeal is not withdrawn on the next date of hearing, the appeal would be dismissed with heavy cost and further time has been granted to ascertain from the appellant whether Government-appellant wants to withdraw the appeal or not. Time was granted till today.

Learned counsel for the appellant submitted that regarding withdrawal of the appeal, he seeks further time as he had no instructions.

The appellant have questioned the validity of the appellate court order dated 14.02.2004 and trial court order dated 29.9.2003 in the month of June 2014. There is delay of 3671 days in filing the present appeal. In the application and affidavit, reasons for condoning the delay, they have stated that respondent filed execution application on 10.12.2008 for non compliance of the order dated 29.9.2003 and it was pending consideration and the necessary affidavit was filed before the lower court on

25.5.2011 and objections were filed on 28.3.2014. At that stage, the appellant took a decision to file an appeal against the orders of appellate court and trial court for which sanction was granted on 11.4.2014.

Reasons for condonation of delay is not stated for the period from 2004 to 2008 and except that the execution proceedings were pending consideration from 2008 to 2014. Therefore, the appellant has not made out a case so as to condone delay of 3671 days. Government-appellant litigation are being filed in a casual and leisurely despite Courts have time and again made observations in some of the matters in the absence of merit and belated litigation are filed. Even merited cases would be dismissed on the ground of delay and laches. Therefore, State Government should issue necessary guide lines to the Department and also fixing responsibility.

Civil miscellaneous application for condonation of delay is rejected. Consequently, appeal is dismissed with cost of Rs.50,000/- to be paid to Observation and Special Home, Sector-25, Chandigarh under Chandigarh Child and Women Development Corporation Ltd., Additional Town Hall Building, 3rd Floor, (Near D.C. Office) Sector 17-C, Chandigarh.

22.09.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**