

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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C.M. Nos. 8152-53-C of 2014 and
RSA No. 3518 of 2014 (O&M)

Date of Decision: 08.04.2016

Hakam Ali

.....APPELLANT

VERSUS

Rahim Khan

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

PRESENT: Mr. S.K.Panwar, Advocate,
for the applicant/appellant.

AUGUSTINE GEORGE MASIH, J (ORAL)

C.M. No. 8152-C of 2014

C.M. is allowed subject to just exceptions. Filing of certified copy of impugned judgment and decree dated 17.09.2012 passed by the Additional District Judge, Nuh, is dispensed with.

C.M. No. 8153-C of 2014 and
RSA No. 3518 of 2014 (O&M)

Prayer in this application is for condonation of delay of 531 days in filing the appeal.

The reason given for non-filing the appeal within time is that because of the poor financial condition, the applicant/appellant could not arrange the funds for affixing the Court fee and, therefore, the appeal challenging the impugned judgment and decree dated 17.09.2012 passed by

the Additional District Judge, Nuh could not be filed in time. The Court fee was, with a great difficulty, arranged and thereafter, the counsel prepared the appeal and has filed the same. This cannot be a sufficient ground for condoning such an inordinate and unexplained delay of 531 days in filing the appeal.

It would not be out of way to mention here that even the appeal before the Lower Appellate Court was preferred by the applicant/appellant after a delay of 18 months and there the explanation, which has been projected, was that the counsel had been engaged but he did not file the appeal in time, which plea has been rejected by the Lower Appellate Court after due consideration. There is nothing in the application also which would satisfy the requirement of the Statute.

There being inordinate and unexplained delay on the part of the applicant-appellant in approaching this Court as well, the present application stands dismissed

The main appeal stands dismissed as barred by limitation.

April 08, 2016

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**