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

**C.R. No. 3520 of 2017 (O&M)
Date of Decision : 13.11.2017**

Babu Singh

.... Petitioner

Versus

**Union of Government of India, Ministry of Post and Telegraph Thru.
Secretary and Anr.**

.... Respondents

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: Ms. Supriya Garg, Advocate
for the petitioner.

Mr. Alankar Narula, Advocate,
for the respondents.

B.S.WALIA, JUDGE (ORAL)

1. Learned counsel for the petitioner states that despite both legs of the petitioner having been crushed in an accident as a result of which he could not file the appeal within the period of limitation and could file it only after a delay of 123 days, the learned Lower Appellate Court despite sufficient cause having been made out dismissed the application for condonation of delay of 123 days in late filing of the appeal, as well as the appeal, resultantly, the petitioner has been deprived of adjudication of his case on merits, therefore the present petition.

2. Learned counsel for the respondents has not disputed the factual position as stated by learned counsel for the petitioner.

3. I have heard learned counsel for the parties.

4. In view of the position as has been noted above, I am of the considered view that sufficient cause was made out for the petitioner not

being able to file the appeal within the stipulated period of time. Accordingly, the order of the of the learned Lower Appellate Court dated 13.05.2016 (Annexure P-1) dismissing the application for condonation of delay and consequently the appeal on account of the same not having been filed within the stipulated period of time is set aside by condoning the delay of 123 days in late filing of the appeal. The case is remanded to the learned Lower Appellate Court which shall consider and decide the appeal on merits.

5. Petition allowed in the aforementioned terms.

(B.S.WALIA)
JUDGE

November 13, 2017

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| 1. | Whether speaking/reasoned: | Yes/No |
| 2. | Whether reportable: | Yes/No |