

CR-6188-2017 (O&M)

:1:

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

CR-6188-2017 (O&M)

Date of Decision:- 13.09.2017

Jalora Singh

.....Petitioner

Versus

Jang Singh

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Malkeet Singh, Advocate,
for the petitioner.

RITU BAHRI, J. (Oral)

Present revision petition has been filed under Article 227 of the Constitution for setting aside the impugned order dated 08.08.2017 (Annexure P-1), passed by learned Additional District Judge, Ludhiana, whereby the application under Section 5 of the Limitation Act for condonation of delay in filing the appeal has been dismissed.

Perusal of the impugned order shows that the petitioner had got the certified copy of judgment dated 16.08.2011 prepared on 09.10.2012 and thereafter the appeal was filed on 16.05.2015. He did not give any sufficient reasons for delay of the intervening period from the year 2012 to the year 2015, in filing the appeal. No steps were taken against the previous counsel, who had wrongly informed about the fate of the case. Even though law of limitation may harshly affect a particular party but liberal approach

can only be taken when there is sufficient explanation for condoning the delay. The Supreme Court in the case of Collector, Land Acquisition, Anantnag and anr. Vs. Mst. Katiji and Ors., AIR 1987 Supreme Court 1353 has laid down the guidelines for condonation of delay. The expression “sufficient cause” employed by the legislature is adequately elastic to enable the Courts to apply the law in a meaningful manner which sub-serves the ends of justice

There is no explanation as to why the petitioner kept mum from 9.10.2012 i.e the date on which he received the certified copy of the judgment till 16.5.2015 i.e the date he filed the appeal, for almost 2 ½ years. There is no satisfactory explanation or sufficient cause shown for the above said delay. In the absence of any sufficient cause, the application has been rightly dismissed.

In view of all that has been discussed above, present revision petition is hereby dismissed.

September 13, 2017
naresh.k/ritu

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No