

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

CRR No.2918 of 2015 (O&M)
Date of Decision: August 18, 2017

Chaman

...Petitioner

VERSUS

Vinod Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Parminder Singh Advocate
for the petitioner.

Mr.Gurcharan Dass, Advocate
for the respondents No.1 to 5.

Mr.Parveen Aggarwal, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

CRM No.25743 of 2015

This is application under Section 5 of the Limitation Act for condoning the delay of 799 days in filing the accompany revision petition.

Notice of the application was issued. Learned counsel for respondents No.1 to 5 as well as learned State counsel appeared and contested the application.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that it is stated in the application that judgment of the trial Court dated 20.01.2011 was challenged by way of

appeal and the same has been dismissed vide judgment dated 21.02.2013 by learned Addl. Sessions Judge, Karnal. It is further stated that FIR in the present case was lodged on the statement of the petitioner and the cross-version was lodged on the statement of respondent No.3 Roop Chand. Both the cases were clubbed and adjudicated together by the impugned judgment of the trial Court, in which both the parties were acquitted. It is also stated that applicant, after the decision of the appeal, lost track about the availability of an kind of remedy to institute appeal/revision. However, on receipt of notice, in CRR No.2083 of 2013, the applicant came to know about the remedy to file the revision. In this manner, delay has been occurred in filing the revision petition. Meanwhile, the revision petition i.e. CRR No.2083 of 2013 has finally been disposed of, while the revision petition filed by the applicant was lying in objection. Although the revision petition was filed on 24.12.2014, but the file was not received. Even the previous Clerk had also left the office. Thereafter, from the office copy of the revision, fresh revision is now filed and in doing so, inadvertently period of limitation exceeded.

From the record, I find that there is delay of 799 days, which is due to gross negligence. No reasonable explanation has been given for the delay of about 800 days. By stating that applicant, after decision of the appeal, lost the track about the availability of any kind of remedy, is no ground to condone such a long delay. Furthermore, it is argued by learned counsel for the parties that it is a case of version and cross-version and learned trial Court has acquitted both the accused on merits. Then both the parties filed appeal against acquittal before Court of Session and both the

appeals were dismissed by learned Addl. Sessions Judge, Karnal. Then the

other party-private respondents in this case, filed revision petition before this Court, which was allowed and the matter was remanded back to learned lower Appellate Court. When the notice was given to the present applicant in that revision petition, then he filed the present accompanying revision petition.

Now, it has been brought to the notice of this Court that even after remanding back the matter, learned lower Appellate Court has acquitted the accused-respondents in that appeal. No further proceedings are pending before this Court.

The ground that applicant lost track of the case and was not aware that any appeal or revision is to be filed, is not a cogent explanation for condoning such a long delay. Though the law regarding condonation of delay is liberal but in the present case, applicant is grossly negligent and there is no explanation for such a long delay.

In view of the above discussion, I do not find any ground to condone the delay of 799 days in filing the accompanying revision petition.

Therefore, finding no merit in the present application, the same is dismissed.

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As the application for condonation of delay in filing the revision petition is dismissed, consequently, present revision petition stands dismissed.

August 18, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No