

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

Date of decision: 02.03.2017

CM No.7067-C of 2016 in/and
RSA No.2635 of 2016 (O&M)

State of Haryana & others

...Petitioners

Vs.

Jai Singh Dalal

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ram Tilak Redhu, DAG, Haryana.

Mr. Sajjan Singh Malik, Advocate, for the respondent.

RAJIV NARAIN RAINA, J. (ORAL)

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There is delay of 182 days in filing the appeal by the State of Haryana. In the application under Section 5 of the Limitation Act, 1963, the usual stock defenses are taken, the kind which have been rejected as unacceptable by the Supreme Court in Office of the Chief Post Master General and others Vs. Living Media India Ltd. and another, 2012 (3) SCC 563.

Notice of the application for condonation of delay was issued by this Court. Not only was there considerable and unexplained delay of 182 days in filing the appeal, but the State did not deposit the process fee for a considerable period of time after the first order was passed on 25.05.2016. It was only on the permission of this Court granted on 17.01.2017 that State deposited the process fee upon which notice was issued to the respondent, which has brought Mr. Sajjan Singh Malik, Advocate, to appear for the

respondent. He opposes not the application under Section 5 of the Limitation Act, but also the appeal on the ground that it does not merit admission and deserves to be dismissed both on delay and the conduct of the State in presenting and prosecuting the appeal and delaying implementation of the decree in favour of the petitioner. Having considered the submissions of Mr. Malik, with not much offered by the State counsel, I find no good reason to condone the delay caused by the proverbial red tape unaccompanied by any valid explanation or sufficient cause.

Consequently, the application for condoning the delay as well as main appeal stand dismissed.

02.03.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>