

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.3037 of 2016(O&M)

Date of Decision: 11.01.2017

Major Singh

... Appellant

Versus

Punjab State Civil Supplies Corporation Ltd. & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. H.C. Arora, Advocate,
for the appellant.

Ms. Deepali Puri, Advocate,
for the respondents.

RAJIV NARAIN RAINA, J.

Yesterday i.e. on 10.1.2017, I had decided RSA No.2881 of 2016, Hari Singh v. Punjab State Civil Supply Corporation Ltd. & ors. on account of the enormous delay in filing and re-filing the appeal and accordingly I had passed the following order in the said case:-

“There is delay of 1055 days in filing of appeal and delay of 448 days in refiling of it. Notice of the application was issued to the respondents. Respondents have represented their reply to the application under Section 151 of the CPC for seeking condonation of delay in refiling.

I have considered both the pleadings and have convinced that the stand of the respondents is correct that there is no evidence to substantiate the cock and bull story set up as explanation for the delay in filing the appeal and refiling it. The delay is too large to be condoned in a suit for recovery of money of ₹13,42,187.26P and interest of ₹7,04,648/- for the period 01.5.1988 to 31.3.1991

brought by PUNSUP against the appellant.

Dismissed.”

The only difference between the two cases is that in the present appeal there is a delay of 1057 days in filing the appeal and 396 days in re-filing it without there being sufficient cause or proper explanation for the extraordinary delay. Consequently, the application for condoning the delay is declined and the main appeal stands dismissed in terms of *Hari Singh's* case.

(RAJIV NARAIN RAINA)
JUDGE

11.01.2017
monika/Vimal

Whether speaking/reasoned *Yes*

Whether reportable *No*