

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

Date of decision: 06.12.2017

CM No.10258-C of 2016 in/and
RSA No.3967 of 2016 (O&M)

Anoop Singh & others

...Appellants

Vs.

Lado & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Mohnish Sharma, Advocate,
 for the appellants.

RAJIV NARAIN RAINA, J. (ORAL)

1. Plaintiffs have preferred the instant appeal arising out of a suit challenging a relinquishment deed in Haryana property passing from blood relation to blood relation. Appeal also has for consideration CM No.10258-C of 2016 for condoning the delay of 1135 days in filing the same, that is, over 3 years and 1 month.

2. Without going into the merits of the case, the application under Section 5 of the Limitation Act, 1963 has been considered to examine as to whether there are sufficient reasons contained in the application supported by an affidavit to condone such enormous delay in presentation. The reason given is that the first appellant is a sick person, who suffers from a heart condition/ailment and has undergone a major heart surgery in April, 2013. He is 70 years old and is hard of hearing. It is pleaded that after got a hearing aid, he contacted his Advocate at Rohtak and, thereafter, approached

the counsel in the High Court to file the appeal in March, 2016. Thus, the delay is neither willful nor intentional.

3. I have heard Mr. Sharma on the application and find that it does not disclose sufficient cause or any plausible explanation or justification for condoning the huge delay. Obviously in greater degree when the appellant was not alone in the proceedings below or in this appeal. There are four other co-appellants and there is no reason forthcoming as to why they slumbered and failed to appeal within the time prescribed or at least within reasonable time of expiry. Thus, I have no proper occasion to enter upon the merits of this case and would dismiss the application under Section 5 of the Limitation Act, 1963.

4. As a result, entertainment of the appeal is declined.

06.12.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

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