

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

-.-
R.S.A. 6030 of 2016 (O&M)
Date of decision : February 08, 2017

Haryana State Agricultural Marketing Board & Ors. ... Appellants

versus

O.P.Sapra and Ors. ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.S. Longia, Advocate, for the appellants.

Mr. Manasvi Sharma, Advocate, for the respondent,

RAJIV NARAIN RAINA, J (Oral)

There is a delay of 242 days in presentation this appeal. The reason furnished for the delay is set down in para Nos. 2 and 3 of the application under Section 5 of the Limitation Act, which application is supported by a short affidavit.

Para No. 2 and 3 reads as follows:-

“2. That the appeal filed by the appellants before the lower appellate Court was dismissed on 03.12.2015. Appellant applied for certified copies of the order dated 03.12.2015 on 12.01.2016 and the same were received in the office of appellants on 17.06.2016. The case file was sent by the office of appellant to the counsel representing the Board before the Ld. Lower Appellate Court for legal opinion who advised to challenge the impugned judgment and decree vide his letter dated 28.06.2016. Keeping in view the facts of the

case, file was sent to the Legal Cell for soliciting comments on 18.7.2016 and the same was received back on 26.07.2016 with an advise that the case is fit for filing this appeal before this Hon'ble Court. Competent Authority (Chief Administrator of the Board) ordered on 1.8.2016 to file this appeal. The file was then sent to the office of Ld. Advocate General, Haryana for appointment of an advocate on 02.08.2016. Ld. A.G.Haryana, suggested the name of advocate on 08.08.2016 for filing this appeal the competent authority approved the same on 17.08.2016.

3. That the counsel for the appellant was engaged for filing this appeal vide memo dated 22.09.2016 issued by the competent authority. After that the appellants contacted the office of the counsel for the appellants and handed over him the documents, certified copy of the impugned judgment and decree along with the record of lower court. The records were perused and it took some time to prepare the draft of appeal, application and affidavit etc. and the same were sent for approval to the competent authority on 01.09.2016 and the same was got vetted from the legal cell of the Board on 09.09.2016 and was approved by the Chief Administrator on 22.09.2016.

After getting approval from the Chief Administrator of the Board, the appeal was signed on 30.09.2016 by the Secretary of the Board and after receipt of the present appeal,

it was observed that some more additions/corrections are required in the application for condonation of delay. After receipt thereof the present appeal is being filed without any further delay. However, in this process, filing of this appeal has been delayed for 242 days.”

The reasons for delay is not convincing and the Court is not satisfied with the explanation. The delay has been caused by the cognizable mistake and therefore, the law in ***Office of the Chief Post Master General & Ors. Vs. Living Media India Ltd. & Anr., (2012)3 S.C.C 563.***

Accordingly, the appeal is dismissed on ground of limitation.

February 08, 2017
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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned – Yes
Whether reportable – No