

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

RSA No. 6688 of 2016 (O & M)

Date of Decision:-28.02.2017

Jasmeet Kaur @ Amandeep Kaur

...Appellant

Versus

Arvinder Singh Dhingra and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Ashish Verma, Advocate
for the appellant.

HARI PAL VERMA J.

C.M. No.17457-C of 2016

Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 CPC is for condonation of delay of 170 days in re-filing the appeal.

Learned counsel for the applicant has stated that there is no delay in filing the appeal, but there is delay of 170 days in re-filing the appeal. The appeal was filed on 11.2.2016 i.e. within limitation. The appeal was checked by the Registry on 01.04.2016 and certain objections were raised. The applicant is an old widow and not much educated. She was not in possession of necessary records for the purpose of filing this regular second appeal. There is no other male member in the family of her, therefore, she herself had to collect all the mentioned documents/record

enabling the conducting lawyer to refile the appeal. In this process the delay has occurred, which is not intentional.

In view of the facts narrated above, the application is allowed and the delay of 170 days in re-filing the appeal is condoned.

RSA No.6688 of 2016

Dismissed.

For reasons see **RSA 6576 of 2016**, titled 'Jasmeet Kaur @ Amandeep Kaur vs. Arvinder singh Dhingra', decided on 28.2.2017.

February 28, 2017
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No