

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

-.-
R.S.A. 5299 of 2015 (O&M)
Date of decision : February 08, 2017

Joga Singh

... Appellant

versus

Chairman, PSEB & Ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the appellants.

Mr. R.L.Sharma, Advocate, for the respondent,

RAJIV NARAIN RAINA, J (Oral)

There is an inordinate delay of 1377 days in presentation of this appeal. The reasons given by the appellant in his favour in support of the application under Section 5 of the Limitation Act are contained in para 2.

Para No.2 reads as under:-

“That the applicant/appellant had approached the High Court Legal Services Committee, Punjab and Haryana High Court, Chandigarh and had applied for the grant of legal aid counsel for getting his appeal filed before this Hon'ble Court vide application dated 05.12.2014 which was received by the Hon'ble Committee on 23.12.2014 and the said applicant was asked to visit the front office of the Legal Aid to discuss alongwith plausible reasons for delay in filing the appeal and the said case was allotted to different legal aid counsels but for the reasons best know all the legal aid counsels returned the

case of the applicant/appellant as the said applicant/appellant seemed not to be satisfied with the said legal aid counsels. It is further submitted that initially the request for the legal aid counsel by the said applicant/appellant was declined by the Hon'ble Committee as the applicant/appellant had failed to given plausible reasons. The said applicant/appellant then once again approached the Hon'ble Committee after he had submitted a representation to the Hon'ble Chief Justice of Punjab and Haryana High Court.”

Neither the appellant is present nor his counsel engaged through High Court Legal Services Committee has put in appearance. However, their presence may not be necessary since this Court is of the opinion that explanation given for this humongous delay is neither satisfactory, plausible nor believable. It appears that the appellant has not been satisfied with any of the legal aid counsel deputed to his case by the Committee. He says in his affidavit that he is not satisfied with them. In an absence of valid explanation for the delay this Court cannot arbitrarily and blindly condone such a long unexplained delay.

Accordingly, the appeal is dismissed as time barred.

(RAJIV NARAIN RAINA)
JUDGE

February 08, 2017
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Whether speaking/reasoned – Yes
Whether reportable – No