

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 30.08.2017****RSA No.5352 of 2015 (O&M)**

Binder Kaur & others

...Appellants

Vs.

Sohan Singh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the appellants.

RAJIV NARAIN RAINA, J. (ORAL)

Even on second call, no one appears to press the instant appeal, which is accompanied by two applications i.e. CM No.12742-C of 2015 for condonation of delay of 136 days in re-filing the appeal and CM No.12743-C of 2015 for condoning enormous delay of 1650 days in filing the appeal. The appeal is pending since February, 2015. The reasons explaining delay set up in the application/affidavit is acute illness in the appellant's house due to which the copies of the judgments were misplaced and it is further it is averred that all this happened due to illiteracy and domestic circumstances. The papers could only be found on 23.01.2015 and then arrangements were made to file appeal.

The explanation offered is a little hard to believe as valid for the delay of about 4½ years in approaching Court in second appeal which is far too much to condone even liberally without valid a explanation or sufficient cause shown to the satisfaction of the Court.

Consequently, the application seeking condoning delay in presenting the appeal is declined and as a result the main appeal is dismissed.

30.08.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*