

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.1460 of 2017 (O&M)

Date of Decision: 20.04.2017

State Bank of India and others

... Appellants

Versus

A.L. Gupta (Since deceased) through
his legal heirs and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vikas Chatrath, Advocate,
for the appellants.

RAJIV NARAIN RAINA, J.

The reasons contained in the application filed under Section 5
of the Limitation Act for condoning the delay of 47 days is as follows:-

“2. That the present case was decided by the Ld. Additional District Judge vide judgment and order dated 31.08.2016. Copy of the judgment was applied on 02.09.2016 and after receiving the certified copy of the same on 18.10.2016, the matter was examined at Administrative office of bank at Ludhiana and thereafter, it was referred to the Head office at Chandigarh and thereafter legal opinion was sought from the Legal Cell of the Bank as well as from the counsel for the Appellants; who after considering the file opined that case is fit for filing R.S.A.

3. That in this process as explained above, there is a delay of days in filing of the appeal.”

Such type of reasons have been commented upon by the
Supreme Court in *Office of the Chief Post Master General and others v. Living Media India Ltd.*, (2012) 3 SCC 563 and observed as under:-

“13. In our view, it is the right time to inform all the Government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable

explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The Government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for Government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay.”

There is no sufficient explanation for the delay of 47 days in filing this appeal.

The application is dismissed and consequently the appeal.

(RAJIV NARAIN RAINA)
JUDGE

20.04.2017
manju

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*