

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

125

**RSA-3932-2017 (O&M)
Decided on 10.08.2017**

JASWANT SINGH THROUGH LRs

....APPELLANT

VS

HARBHAJAN SINGH & ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Y.M.Bhagirath, Advocate
for the appellant.

AJAY TEWARI, J.(Oral)

CM-9906-C-2017

This is an application for condonation of delay of 103 days in
refiling the present regular second appeal.

For the reasons recorded in the application, the same is
allowed and delay of 103 days in refiling the present regular second
appeal is condoned.

MAIN CASE

This appeal has been filed against the judgement of the Lower
Appellate Court declining an application for condonation of 228 days
delay in filing of the appeal. The Lower Appellate Court held that the
only ground taken by the appellant for condonation of delay was that
counsel had wrongly advised them but this contention did not find
favour with the Lower Appellate Court for the reasons that the
appellants were all major and they never even bothered to apply for a

certified copy of the judgment for a period of almost 8 months and neither was it mentioned who was the counsel who had wrongly advised them. I find that these reasons cannot be ignored. Even on merits the case of the appellants was that they and the respondents were co-owners of the land in dispute and the respondents were threatening to sell specific portions without getting partition. In the written statement the respondents had taken the clear plea that they were only interested in selling the land as per their share and were not selling any specific portion.

In the circumstance, I find no fault with the judgments of the Courts below.

Consequently, the appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stand disposed of.

10.08.2017
anuradha

(AJAY TEWARI)
JUDGE

-

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No