

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

**CR 1355-2016 (O&M)
Date of decision: 14.03.2018**

**Manzooran Through LR Manzoor Khan through LR Shamim Begum
.....Petitioner**

versus

Ziledar Khan

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Tapish Gupta, Advocate for
Mr.Sandeep Chopra, Advocate for the petitioner
Mr.M.S.Yadav, Advocate for
Mr.Sunny K. Singla, Advocate for the respondent

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present revision is the order dated 21.4.2015, passed by learned Additional District Judge, Sangrur, vide which, in an appeal filed against the passing of final decree, application under Section 5 of The Limitation Act 1963 was dismissed. Consequently, the main appeal was also dismissed.

Heard.

It comes out that the trial Court passed the final judgment and decree on 10.4.2014. The limitation period to file appeal against the same is 30 days from the date of decree or order as per Article 116(b) of The Limitation Act, 1963. However, it was filed on 27.10.2014 i.e. after more than six months of the passing of the judgment and decree. In this way, there is a delay of about five months in filing the appeal. The grounds taken

before the trial Court were that the appellant is suffering from Neuro problem since January, 2014 and could not contact her counsel. Thereafter, she was confined to bed and was getting regular treatment. She is illiterate and when she contacted her counsel, it was stated that the final decree has been passed. Thereafter, she obtained a copy on 22.10.2014 and filed appeal on 27.10.2014 along with application under Section 5 of The Limitation Act 1963. The lower Appellate Court has observed that no certificate of medical officer was produced. Only photocopy of prescription slip was produced. In the absence of any document, it cannot be said that the petitioner was confined to bed due to her alleged Neuro problem. There is inordinate delay of about five months in filing the appeal. Mere illiteracy is no ground to condone the delay. Medical ground claimed in the application could not be proved before the lower Appellate Court. Hence, there is no illegality or infirmity in the impugned order.

Resultantly, the present revision petition stands dismissed.

Since the main case has been dismissed, therefore, the pending CM, if any, also stands disposed of.

14.03.2018
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No