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

CR-1181-2018 (O&M)

Date of decision : 13.12.2018

The Collector, Kaithal and others

... Petitioners

Versus

Nafe Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ashwani Kumar Saini, DAG, Haryana,
for the petitioners.

AMIT RAWAL, J.

The present revision petition is directed against the impugned judgment and decree dated 25.10.2016, whereby the appeal preferred by the petitioner-State against the judgment and decree dated 26.08.2015 was dismissed being barred by 150 days' delay as the reasons given were not plausible.

The present revision petition is also accompanied by the applications seeking condonation of delay of 105 days in filing and 240 days in refiling the petition.

No acceptable and cogent reasons have come forth to condone such a huge delay. The State cannot be permitted to take general excuse of precedent delay in pursuing the appeal. The Hon'ble Supreme Court in **Office of the Chief Post Master General & others V/s Living Media India Ltd. and another, 2012(2) SCT 269**, has observed as under:-

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

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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."

We have in numerous pronouncements taken a similar view to decline interference in appeals which are barred with substantial delay. We are, therefore, of the opinion that the instant appeal deserves to be dismissed on the ground of limitation alone.

Accordingly, the present revision petition is dismissed on ground of delay.

13.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**