

**114-a IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No.1962 of 2018 (O&M)
Date of decision : March 26, 2018**

Gram Panchayat

..... Petitioner

Versus

Sattu @ Satnarain and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ajay Chaudhary, Advocate for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 10.12.2015 (Annexure P-4) passed by the learned Addl. District Judge, Hisar, vide which the application filed by the petitioner under Section 5 of the Limitation Act, 1963 for condonation of delay of 4 years, 9 months and 23 days in filing the appeal was dismissed. Consequently, the appeal was also dismissed.

I have heard learned counsel for the petitioner and have also carefully gone through the case file.

It comes out that a suit was filed against the Gram Panchayat, Mirzapur, Tehsil and District Hisar as well as B.D.P.O. and Assistant Collector, First Grade and State of Haryana. The suit was decreed on 23.12.2010. In the application for condonation of delay in filing the appeal against the said decree, it is stated that the term of the Gram Panchayat expired in June, 2015 and therefore, when the B.D.P.O. being Administrator, took the charge of Gram Panchayat and check the pending

court cases, he came to know about the present case and filed the appeal. Admittedly, there was delay of approximately 3 years, 9 months in filing the appeal.

A perusal of the judgment of the trial Court shows that the B.D.P.O. as well as State of Haryana were represented by the Government Pleader. Otherwise also, B.D.P.O. being Administrator is the successor of the Gram Panchayat. Mere on the ground that B.D.P.O., who was party to the case, says that when he succeeded in his capacity as an Administrator, came to know that the appeal has not been filed, is no ground to condone the delay. There is no just ground to condone the delay of 4 years, 9 months and 23 days in filing the appeal. Therefore, there is no illegality or infirmity in the impugned order.

As such, the present revision petition is dismissed. Since, the main revision has been dismissed, therefore, the pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

March 26, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No