

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

133

CM-6449-CII-2018 in/and
CR No.2076 of 2018 (O & M)
Date of Decision:22.10.2018

Murari Lal (deceased) through LRs

...Petitioner

Versus

Sanjay Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

ANIL KSHETARPAL, J.(Oral)
CM-6450-CII-2018

Application is allowed, subject to all just exceptions.

Legal heirs of petitioner-Murari Lal as mentioned in Para 3 of the application are brought on record for the purpose of prosecuting this appeal only.

Amended memo of parties is taken on record.

CM-6449-CII-2018 in/and CR No.2076 of 2018

Tenant/petitioner is in the revision petition against the order passed by both the authorities ordering his eviction. At the outset, it must be noticed that the revision petition has been filed with a huge delay of 1037 days. In the application i.e. CM-6449-CII-2018, tenant while giving explanation for seeking condonation of delay has pleaded as under:-

“2. That the present ejectment petition was filed by respondent/landlord against the father of the applicant/petitioner and performa respondents and he was contesting the same but applicant and performa respondent were not aware regarding the present proceedings and when applicant has received summon in the execution petition then came to know regarding the present proceedings and thereafter papers were collected from the Ld. courts below and then engage the undersigned, therefore, delay of 1037 days has occurred.”

It is apparent that the explanation given is wholly vague and insufficient as neither the date on which the summons in the execution petition were received has been given nor necessary particulars as to what has happened to the execution petition and what proceedings took place in the execution petition, have been disclosed.

In view thereof, there is no ground to condone the delay of 1037 days in filing the revision petition.

Consequently, revision petition is also dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

22.10.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No