

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.3699 of 2017

Date of Decision.22.03.2018

Sukhbir Singh

.....Petitioner

Vs

Smt. Naveeta alias Nijita Bhalla

.....Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sanjay Verma, Advocate
for the applicant-petitioner.

-:-

AMIT RAWAL J.(ORAL)

The petitioner-plaintiff is aggrieved of the impugned order rendered by the lower Appellate Court whereby the appeal preferred against the judgment and decree dated 27.03.2015 vide which the suit seeking injunction against the respondent-land owner against forcible dispossession and interference was dismissed under the provisions of Order 17 Rule 3 CPC and the appeal preferred against the same was also dismissed on account of delay of 1 year 5 months and 20 days.

Mr. Sanjay Verma, learned counsel appearing on behalf the petitioner-plaintiff submitted that the suit aforementioned was dismissed on account of provisions of Order 17 Rule 3 CPC, however, the aforementioned decision was not conveyed by the counsel of the petitioner and the petitioner-plaintiff remained oblivious of the decision in the suit. On acquiring the knowledge of dismissal of the suit, an appeal was filed, which resulted into delay of 1 year 5 months and 20 days. No harm and prejudice would have been caused to the respondents, in case the appeal was to be heard on merits. In support of his contention, he relies upon the

Anantnag and another Vs. Mst. Katiji and others 1987 AIR 1353.

I have heard learned counsel for the petitioner and appraised the paper book. Before commenting upon the orders under challenge as well rendering decision in the revision petition, I raised a specific query to Mr. Verma whether the landlord had initiated any proceedings of eviction against the petitioner and he on instructions from his client replied that possession is still with him and no proceedings in accordance with law have been initiated.

I am of the view that approach of the petitioner-plaintiff was tardy and lackadaisical. He was required to be diligent in leading evidence in respect of pleadings. The suit was filed way back on 13.10.2012. It remained pending for three years for want of evidence by the plaintiff and dismissed thereafter. The reason assigned in the application for condonation of delay of 1 year 5 months and 20 days in preferring the appeal has not been found to be justified and cogent as explanation of each and every day has not come forth. The Courts cannot be taken for granted by the parties in seeking condonation of delay.

In view of the aforementioned, I do not find any illegality and perversity in the orders under challenge and the same cannot be said to be passed without jurisdiction or beyond jurisdiction. No ground for interference is made out. Resultantly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

March 22, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No