

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

**CR No.4181 of 2017 (O&M)  
Date of Decision: April 17, 2018**

Sohan Singh

...Petitioner

Versus

Punjab State Power Corporation Ltd and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Parminder Singh, Advocate  
for the petitioner.

**FATEH DEEP SINGH, J.**

The petitioner Sohan Singh posted as Sub Station Attendant with the respondents initially filed against the present respondents a suit for declaration etc. regarding his service benefits which stood dismissed vide order dated 22.10.2014 passed by the Court of learned Civil Judge (Junior Division), Patiala. Against the said findings, petitioner filed a appeal along with application under Section 5 of Limitation Act for condoning the delay of 446 days in filing the same. The Court of learned Additional District Judge, Patiala through impugned order dated 21.2.2017 Annexure P/5 dismissed the same with costs.

Heard learned counsel for the petitioner and perused the records of the case. Learned first Appellate Court had framed the issue holding if there was sufficient reasons to condone the delay in filing the appeal and after considering the sole testimony of the applicant-Sohan

Singh, AW1 based on his affidavit Ex.AW1/A had drawn the conclusion that the petitioner, then applicant had admitted in his cross-examination that he was an educated person working on technical post and was totally aware that his case was decided in the year 2014 and after selecting his lawyer has paid the dues for filing appeal but claims that the same was never filed by his counsel. It has been rightly concluded that the applicant failed to bring about misconduct by his counsel engaged for filing the appeal when his counsel had informed him of the decision and he has applied for obtaining certified copy of the judgment. In spite of getting the certified copy of the judgment passed on 22.10.2014, he filed an appeal on 21.01.2016 and certainly such a delay the applicant has failed to explain sufficiently and reasonably to the satisfaction of the Court and there is nothing to establish misdemeanour by the counsel or to hold sympathetic consideration of the case of the petitioner in terms of Section 14 of the Limitation Act. Findings of the Court below certainly cannot be termed to be perverse or illegal in any manner. The present revision petition being hopelessly without any merits stands dismissed in limine.

**(FATEH DEEP SINGH)**  
**JUDGE**

**April 17, 2018**  
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Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No