

In the High Court of Punjab and Haryana at Chandigarh

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**CR No.7018 of 2015 (O&M)
Date of decision: 4.12.2018**

VINOD KUMAR

.....petitioner

Versus

CHANDIGARH ADMINISTRATION AND ORS.

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Shailendra Jain, Sr. Advocate with
Mr.H.J.Singh, Advocate,
for the petitioner.

Mr.J.S.Toor, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(oral)

This revision petition has been filed by the petitioner challenging the order dated 6.7.2015 passed by the Additional District Judge, Chandigarh, whereby, the application filed under Section 41 Rule 3-A CPC seeking condonation of delay of 3560 days in filing the first appeal was dismissed.

Perusal of the record would show that after examination of the petitioner, the cross-examination was deferred as the defendants had moved an application for dismissal of the suit on 14.8.2002. Owing to the conduct of the petitioner after number of adjournments, the evidence of the

petitioner was closed by order on 8.1.2005. Thereafter, defendants led their evidence and examined one witness and closed their evidence. No evidence in rebuttal was led by the petitioner. Ultimately, the suit was dismissed. No appeal was filed before the lower Appellate Court within limitation. The appeal was filed only after the delay of 3560 days and condonation was sought on the ground that due to grave misfortune fell upon the family, the appeal could not be filed in time. Even in the application for condonation of delay filed before the lower Appellate Court, there was no representation on behalf of the petitioner. No material was produced in the context of sufficiency of cause except to narrate bare history of the petitioner. Having considered the issue in detail, the lower Appellate Court did not find favour with the sufficiency of cause projected by the petitioner.

In view of the conduct of the petitioner exhibited on record, I do not see any sufficient reason to interfere in this revision petition. The same is accordingly dismissed.

December 04, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No