

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

CR No.6680 of 2017 (O&M)

Date of decision : January 25, 2018

Improvement Trust, Gurdaspur

..... Petitioner

Versus

Bikram Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sandeep Khunger, 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 judgment dated 13.12.2016 (Annexure P-5) passed by the learned Addl. District Judge, Gurdaspur, vide which in an appeal against the judgment and decree dated 09.09.2011 (Annexure P-1) passed by learned Civil Judge (Jr. Divn.), Gurdaspur, an application filed under Section 5 of The Limitation Act, 1963, was dismissed.

Brief facts of the case are that the suit filed by the plaintiffs-respondents before the trial court, was decreed on 09.09.2011 by the learned Civil Judge (Jr. Divn.), Gurdaspur, against the present petitioner, Improvement Trust, Gurdaspur. The appeal against the said judgment was filed after four years, 3 months on 20.01.2016 (Annexure P-2) along with an application under Section 5 of The Limitation Act, 1963 for condonation of delay. The only ground stated in the application was that there was rush of work in the office and the matter could not be brought into the notice of the authorities. The said ground is disbelieved by the learned Addl. District

Heard.

I am of the view that it was a contested case and the Improvement Trust was represented by the counsel. Therefore, when the suit was decreed against the Improvement Trust, Gurdaspur, they came to know that the suit has been decided. They kept sleeping over for four years, three months and suddenly decided to file appeal, stating rush of work as a ground. The Improvement Trust is not such a busy institution that they will not get time to examine the judgment and decree passed against them for more than four years. In this way, the ground for condoning the delay of four years, three months, was rightly disbelieved by the learned Addl. District Judge, Gurdaspur and the application was rightly dismissed. Therefore, there is no ground to interfere in the impugned judgment.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

January 25, 2018

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Whether speaking / reasoned Yes

Whether Reportable: No