

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

CR No.7907 of 2016 (O&M)  
Date of decision : 23.02.2018

Balbir Kaur

...Petitioner

Versus

Bhajan Singh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Manish Kumar Singla, Advocate for the petitioner.

Mr. H.S. Saggu, Advocate for respondent No.1.

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**ANIL KSHETARPAL, J. (ORAL)**

**CM No.23720-CII of 2016**

For the reasons stated in the application, which is duly supported by an affidavit, legal heirs of deceased Baldev Singh-respondent No.1 as mentioned in the application, are ordered to be brought on record, for the purpose of prosecuting the present appeal.

Application is allowed.

**Main Case**

The petitioner is aggrieved of the order dated 26.09.2016, dismissing the application filed under Section 5 of the Limitation Act, seeking condonation of delay of almost 3 years.

The learned first Appellate Court has noticed that the petitioner-defendant was proceeded against ex parte in the trial Court on 25.10.2006. She moved an application for setting aside the ex parte proceedings and vide order on 15.05.2010, the Court while taking lenient view, set aside the ex parte proceedings vide order dated 14.02.2011 subject to the payment of

costs. However, the defendant-petitioner neither paid costs nor thereafter appeared in the Court.

The decree in the present case was passed by the trial Court on 04.10.2011. The defendant-petitioner never made any request to the trial Court thereafter. Even when the judgment and decree was passed by the trial Court against her, she did not prefer any appeal. One Baldev Singh filed an appeal before the First Appellate Court. When Baldev Singh made a request for permission to withdraw the appeal, the defendant-petitioner filed an application for transposing the applicant as appellant. Appeal as well as application was dismissed by the Court on 04.04.2014. The defendant-petitioner still did not immediately file an independent appeal. She after a period of 4 ½ months filed an appeal alongwith application for condonation of delay. The learned First Appellate Court has appreciated the facts available on the file and found that the defendant-petitioner is taking the Court proceedings too casually. The Court has noticed that the conduct of the petitioner does not entitle her to seek condonation of huge delay of more than 3 years.

In view of the discussion made above, this Court finds that the order passed by the learned First Appellate Court refusing to condone the delay of almost 3 years is justified and need no interference.

Hence, the revision petition is dismissed.

**23.02.2018**

*Pawan*

**(ANIL KSHETARPAL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**