

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

CR No.7559 of 2017

Date of decision:05.02.2018

Kuldeep Singh and another

... Petitioners

Vs.

Gian Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. K.S.Derabassi, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

The petitioners are in revision petition against the order dated 9.8.2017 (Annexure P-5), whereby, the application under Section 5 of the Limitation Act for condonation of delay in filing the appeal against the judgment and decree dated 10.09.2012, has been dismissed.

Learned counsel appearing on behalf of the petitioners submitted that the petitioners did not inform the counsel about transfer of the matter from the Court of Rajpura to Derabassi, therefore, they remained under the impression that the matter is pending. Accordingly, the revenue record has been corrected as per the said judgment and decree, therefore, the delay of two years occurred. He, thus, further submitted that the order under challenge suffered from illegality and perversity and prayed for setting aside the impugned order.

I have heard the learned counsel for the petitioners and appraised the paper book.

Since the appeal was barred by period of two years, the trial Court framed the issue and in the evidence, it has come on record that counsel of the petitioners was present on the date the arguments were addressed by both the parties and thereafter, the decree was passed. It has become a practice to put the entire blame on the counsel for pursuing the matter. It is a classic case of such type. No explanation has come forward for not pursuing the matter stated to be pending before the Court of Rajpura. Even the Will dated 10.06.1993 set up by the plaintiffs was discarded by the trial Court on the premise that at the time of institution of suit, they (petitioners) were minors and therefore, could not serve their grandfather as they themselves were dependent on others.

In view of the aforementioned observation, I do not find any illegality and perversity in the impugned order, much less the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

February 05, 2018
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No