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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-950-2018 (O&M)  
Date of decision : 14.2.2018

**Chander Bhan**

**..... Petitioner**

**Versus**

**Municipal Committee Cheeka and another**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE KULDIP SINGH**

Present:- Mr. S.K.Liberhan, 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)**

Heard.

Impugned in the present revision petition is the order dated 19.5.2017 (Annexure P-1), passed by learned District Judge, Kaithal vide which in a civil appeal against the judgment and decree dated 29.2.2016, (Annexure P-2), passed by learned Civil Judge (Junior Division), Guhla, an application for condonation of delay of 336 days in filing the appeal was dismissed, consequently, appeal was also dismissed.

Learned counsel for the plaintiff-petitioner supplied the grounds for condonation of delay. It comes out that plaintiff filed a suit for declaration and permanent injunction before the trial Court against the Municipal Committee Cheeka-respondent No.1. The suit was partly decreed to the effect that plaintiff is declared to be in possession being lessee over the land measuring 17 kanals 9 marlas as per receipt dated 31.7.2015 upon the payment of amount of Rs. 38,172/-. Defendants were restrained from interfering into the possession of the plaintiff over the said land until the lease period got over.

The grounds taken in the application seeking condonation of delay of 336 days, are that counsel told the applicant that case has been decided in his favour. Petitioner is an illiterate rustic villager and unable to understand the language of the judgment.

On 31.1.2017, be contacted the present counsel for filing execution, then it was disclosed by the counsel that suit has been partly decreed and partly dismissed. The grounds were disbelieved by learned District Judge, Kaithal.

After going thorough the impugned order dated 19.5.2017, (Annexure P-1) passed by learned District Judge, Kaithail, I am of the view that there is no illegality or infirmity in the said order.

The suit was decreed partly by learned Civil Judge, (Junior Division), Guhla. Present appeal was filed at Kaithal. It is not stated as to why for filing the execution plaintiff had the need to engage a counsel at District Headquarter who was not in a position to file execution at Kaithal which was to be otherwise filed at Guhla. The ground being illiterate and rustic villager is not acceptable. Present petitioner was represented by a competent counsel. The language of the decree is very clear. Therefore, grounds taken in application for condonation of delay of 336 days in filing the appeal were rightly disbelieved by learned District Judge, Kaithal.

In view of above, no ground to interfere in the order impugned in the present petition.

Dismissed.

**(KULDIP SINGH)**  
**JUDGE**

**14.2.2018**

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Whether speaking / reasoned

Yes

Whether Reportable:

No