

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-A-1897-MA of 2015 (O&M)
Date of decision:22.3.2018

Santokh Singh

... Appellant

versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Amit Arora, Advocate,
for the appellant

...

AMOL RATTAN SINGH, J. (Oral)

CRM No.38436 of 2015 & CRM-A-1897-MA of 2015

Learned counsel for the applicant-appellant submits that though undoubtedly the land was not partitioned, firstly the Patwari concerned testified to the effect that the land was in the exclusive possession of the applicant-appellant and moreover, even if it is admitted to be a jointly held holding, the respondents could not have carved out a *rasta* without the consent of the other share holders.

Though what learned counsel for the applicant-appellant is arguing may not otherwise have been rejected by this Court, however, it is seen that firstly, even the complaint before the learned trial Court was filed 9 months after the actual occurrence was alleged to have taken place, i.e. it was filed on 11.7.2009 with the occurrence allegedly having taken place on 8.10.2008, and further, even before this Court, there is a long delay of 228 days in filing the accompanying appeal.

That being so, I find no ground to entertain the application or

interfere with the judgment of the trial Court, which has also taken delay as one of the factors for dismissing the complaint.

Consequently, the application seeking condonation of delay, as also the application seeking leave to appeal are dismissed.

22.3.2018
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No