

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

201

**LPA No.1175 of 2011(O & M) in
CWP No.8384 of 2009
Date of Decision:18.05.2018**

Sher Singh

....Appellant

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL
HON'BLE MR.JUSTICE DEEPAK SIBAL**

Present: Mr.Manoj Kumar Sood, Advocate
for the appellant

Ms.Tanisha Peshawaria, DAG Haryana

Mr.Sachin Gupta, Advocate
for respondent No.4

RAJESH BINDAL, J.:

Order dated 25.01.2011, passed by the learned Single Judge, dismissing the writ petition has been impugned in the present intra court appeal.

Notice of motion in the appeal was issued on 27.02.2012. However, the same was subject to deposit of ₹ 5 lacs by the appellant with the Registry of this Court before the next date of hearing. Such a condition had been imposed on the appellant to show his bona fides. The case was adjourned for 28.03.2012. The aforesaid order dated 27.02.2012 was challenged before Hon'ble the Supreme Court, vide SLP (Civil) No.10218 of 2012, which was dismissed for non-prosecution on 24.09.2015. Even the application for restoration was dismissed on 06.10.2015.

Subsequently, an application filed for modification of the order dated 27.02.2012, questioning the condition of deposit of ₹ 5 lacs while issuing notice of motion, was also dismissed by this Court on 27.08.2016.

The present case pertains to a dispute regarding recovery of loan advanced to the appellant by respondent No.4. As the pre condition for issuance of notice of motion has not been complied with till date, despite the fact that the order has been upheld by Hon'ble the Supreme Court, we do not find any reason to hear the appeal on merits.

Dismissed. Consequently, the application for condonation of delay of 08 days in filing the appeal is also dismissed.

(RAJESH BINDAL)
JUDGE

(DEEPAK SIBAL)
JUDGE

18.05.2018

neenu

Whether speaking/reasoned
Whether reportable-

Yes
Yes/No