

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

RSA No.3188 of 2011 (O&M)

Date of Decision: 14.12.2018

Rohtash

..... Appellant

versus

Bakhtawar Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Keshav Pratap Singh, Advocate
for the appellant.

Mr. Mani Ram Verma, Advocate
for the respondent.

SUDIP AHLUWALIA J. (ORAL)

1. Ld. Counsel for the both sides are *ad idem* that the impugned decree has already been set aside by way of execution and all the admissible dues towards the respondent-plaintiff have been released through the Executing Court.

2. It may be mentioned that even the application for condonation of 337 days in filing the present appeal has not yet been condoned, although findings against the appellant were concurrent by both the Ld. Courts below whereby he was found to be liable to pay an amount of Rs.1,40,500/- along with interest thereupon.

3. The reason mentioned in the application for condonation of delay (CM No.8797-C of 2011) are that due to financial stringency, the appellant was not in a position to file the appeal in time, which in the opinion of this Court is not a sufficient ground for such condonation.

4. It is even more interesting that earlier this matter had been adjourned time and again on behalf of the appellant himself on 06.05.2016, 03.08.2017 and 10.08.2017. On that last occasion, adjournment costs of Rs.5000/- were impugned upon the appellant.

5. Thereafter when the matter came up again for hearing before this Court on 30.11.2018, it was submitted by Ld. Counsel for the appellant that, *“the parties have reached at some settlement and the compromise is likely to be filed on the next date of hearing”*.

6. The submission today, however is that there is no compromise between the parties.

7. In the totality of the circumstances, this Court is at a loss to determine how the appellant in view of the inordinate delay in filing the appeal against concurrent judgments can be helped in any manner, more particularly in view of his own dilatory conduct, when in fact no question of law whatsoever, much less any substantial question of law has been raised in Para No.17 of the ground of the appeal.

8. Hence, the present appeal stands dismissed.

December 14,2018

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**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No