

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

LPA No. 1754 of 2017 (O&M)

Date of Decision : 03.12.2018

State of Haryana and others
Versus

....Appellants

Krishan Kumar and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE LALIT BATRA

Present : Mr.Ankur Mittal, Addl.AG, Haryana.

MAHESH GROVER, J.(O)

This appeal has been pending since November 2017 and is accompanied by applications under Section 5 of the Limitation Act for condonation of delay of 225 days in filing and 35 days in re-filing.

On 22.11.2017, the appellants prayed for time “to file a better affidavit”, implying that explanation would be offered by them to justify the delay. Thereafter, repeatedly the matter has been adjourned till 21.05.2018 when an affidavit was indeed filed, which again was not satisfactory and then time was prayed for to file another affidavit to explain the delay satisfactorily. The needful has not been done and more time is prayer for. No worthwhile explanation has been given by the learned counsel for the appellants that would justify an adjournment on this ground. Except to express the difficulty that the State has placed in, if the order of the learned Single Judge is implemented, no worthwhile attempt is being made to address the concerns raised by the Court about delay. There would be thus no reason to grant any further adjournment, and in fact if we see the controversy, as noticed by the learned Single Judge, it can at best be

termed to be an issue of managing the bus stands and to our minds the courts would have a minimal role to play in such like issues. Whether facilities have been granted to private operators to operate their buses on some terms or not and whether the passengers are inconvenienced on account of these issues are matters that can be addressed by the official respondents themselves. Looking from any angle the appeal does not throw up any issue for us to warrant interference in our correctional jurisdiction. Evidently, if facilities are not being provided to private operators, who have to then operate from outside the bus stands, the appellants cannot insist on imposing any charges upon them. In fact, the decision of the learned Single Judge should have been a wake up call for the appellants to address the issue themselves by involving all the stakeholders instead of filing this appeal and that too with an inordinate and unexplained delay of 225 days.

We cannot treat the State any differently from other litigants. Rather, if we have to lean in any equity to condone the delay in filing proceedings in court, it would be for the ordinate litigant and not the State which is well equipped with resources and officers with legal acumen to advise them at every step departmentally and even at the State level.

Dismissed.

(MAHESH GROVER)
JUDGE

03.12.2018
dss

(LALIT BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No