

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

LPA No.2341 of 2017 (O&M)

Date of Decision : 09.10.2018

The Managing Director, The Punjab State
Coop. Milk Producers' Fed.Ltd. & anr.

....Appellants.

Versus

Workmen of the Punjab State Cooperative Milk
Producers Federation Ltd.

....Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr.D.S.Patwalia, Sr. Advocate with
Mr.Gaurav Rana, Advocate
for the appellants.

MAHESH GROVER, J. (Oral)

There is an unexplained delay of 428 days in filing the appeal as is reflected from the application under Section 5 of the Limitation Act and the affidavit filed in support thereof.

It has been stated in para No.4 of the affidavit dated 23.07.2018 that initially the appellants filed LPA No.2200 of 2017 and challenged the order of this Court dated 07.09.2016. This appeal was filed in time but there was a delay of 365 days in re-filing. The said appeal came up for hearing on 17.11.2017 but there was some error in one of the Annexures and the appeal was withdrawn with liberty to file a fresh one. This prayer was accepted on 17.11.2017. Thereafter, the appellants filed the present appeal, which has now resulted in a cumulative delay of 428 days. On reconsideration even if it is accepted that the initial appeal No.2200 of 2017 was in time, yet there was a delay of 365 days in re-filing the same. This delay too has

to be explained but there is not a whisper in the entire affidavit regarding the inordinate delay of 365 days in re-filing.

We are, therefore, of the opinion that the instant appeal is hopelessly barred by time.

Dismissed on the ground of delay.

(MAHESH GROVER)
JUDGE

09.10.2018
dss

(MAHABIR SINGH SINDHU)
JUDGE

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