

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

LPA-461-2017 (O&M)

Date of decision:- 04.07.2018

Managing Director, HVPNL, Shakti Bhawan, Sector 6,
Panchkula and another

...Appellants

Versus

Ram Dutt and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Naveen Kaushik, Advocate,
for the appellants.

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KRISHNA MURARI, C.J. (ORAL)

CM-953-LPA-2017 in LPA-461-2017

This Letters Patent Appeal challenging the order and judgement passed by the learned Single Judge dated 06.05.2016 allowing the writ petition filed by the petitioner-respondent No. 1 is beyond the prescribed period of limitation of 30 days inasmuch as there is delay of 225 days in filing the appeal.

2. An application under Section 5 of the Limitation Act, 1963 seeking condonation of delay has been made which is duly supported by an affidavit. The only ground set out in the affidavit is that "it was decided to file with patent appeal against the impugned order dated 06.05.2016 after taking comments of which resulted in some bonafide delay. It is clear that this is a procedural delay not intentional or with malafide intention".

3. Apart from the above, there is no explanation. Nor any other details have been specified in the affidavit filed in

support of the application seeking condonation of delay. It is well settled that though each and every day's delay is not liable to be explained, but nevertheless, the appellant is required to submit a plausible and reasonable explanation as to why he could not approach the Court within the time prescribed. In this case, we find that the explanation submitted is absolutely vague. Such an inordinate delay is not liable to be condoned on such a vague explanation. We are not satisfied with the explanation submitted that it is procedural delay. Apparently, the delay is attributable to callous and casual approach of the respondents and cannot be said to be bonafide. In the above facts and circumstances, we do not find any good ground to condone the same.

4. Accordingly, the delay condonation application stands dismissed.

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Since the delay condonation application has been dismissed, the appeal stands dismissed as barred by limitation.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

04.07.2018

Amodh

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