

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

LPA-1306-2018 (O&M)

Date of decision:- 28.08.2018

Jani now deceased through legal heirs

...Appellants

Versus

Commissioner, Patiala Division, Patiala and others

...Respondents

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

Present:- Mr. Anil Kumar Garg, Advocate,
for the appellants.

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KRISHNA MURARI, C.J. (ORAL)

This appeal under clause X of the Letters Patent is directed against the judgement and order of the learned Single Judge dated 09.10.2014.

2. Office has reported delay and laches of 1384 days in filing the appeal. The only explanation submitted by the appellants in application under Section 5 of the Limitation Act, 1963 (in short the Act) is contained in paragraph 3 thereof which is reproduced hereunder:-

"3. That the Ld. Single Judge dismissed the Civil Writ Petition filed by the predecessor in interest of the appellants in their absence on merits vide order dated 09.10.2014. The appellants came to know about the dismissal of the petition only when the respondents tried to take the possession. The appellants immediately filed an application for reviewing/recalling the order dated 09.10.2014. The notice in the application was issued and the possession of the appellants was protected. The Learned Single Judge dismissed the review/recalling application filed by the appellants vide order dated 27.07.2018."

3. A perusal of the aforesaid averments goes to show that they are absolutely vague. It is stated that the appellants came to know only after the respondents tried to take possession, but no details are forthcoming as to when the respondents tried to take possession. It has also not been mentioned as to for what reason the order dated 09.10.2014 dismissing the writ petition was not communicated to the appellants, though they were represented before this Court. It appears that there is no truth in the averments made in Section 5 application and the facts seem to have been manufactured only for the purposes of seeking condonation of delay. An inordinate delay of almost four years is not liable to be condoned on such vague and irrelevant allegations. In view of the facts, we are not inclined to condone the delay and, thus, application under Section 5 of the Act stands dismissed.

4. As a consequence, the appeal stands dismissed as barred by limitation.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

28.08.2018
Amodh

whether speaking/reasoned	Yes/No
whether reportable	Yes/No