

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

LPA No.468 of 2018(O&M)
Date of decision: 24.07.2018

Union of India

... Appellant

Versus

Harinder Pal Kaur and others

... Respondents

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

Present: Mr. Pawan Kumar Longia, Advocate for the appellant.

KRISHNA MURARI, C.J. (Oral)

This intra-court appeal under clause X of the Letters Patent has been filed by the Union of India and is directed against the judgment and order of the learned Single Judge dated 21.02.2017.

Office has reported delay and latches of 354 days in filing the appeal. The only explanation submitted in the application filed under Section 5 of the Limitation Act and the affidavit filed in support thereof reads as under:-

“3. That delay in filing of the appeal is not intentional or deliberate but rather due to the fact that appellant is a Govt. department and engaged in defending several cases.”

The averments quoted hereinabove are in themselves sufficient to come to a conclusion that the appellant had no explanation for this

inordinate delay and it cannot be said that it is not intentional or deliberate. It appears that the appeal was not filed within time and in order to explain the same this explanation has been submitted, which has no substance.

In our considered opinion, merely because appellant is a Government department and engaged in defending its cases could not constitute a ground in itself for condonation of delay. In the absence of plausible explanation, there is no ground to condone the delay. Accordingly, the delay condonation application stands dismissed and as a consequence the appeal also stands dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

24.07.2018
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO