

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

**LPA No.552 of 2018(O&M)
Date of decision: 08.08.2018**

State of Haryana and others

... Appellants

Versus

Rajinder Kumar

... Respondent

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

Present: Mr. Deepak Balyan, Addl. AG, Haryana,
for the appellants.
Mr. Dharamveer Phour, Advocate for the caveator-respondent.

KRISHNA MURARI, C.J. (Oral)

This appeal under clause X of the Letters Patent has been filed by State of Haryana challenging judgment and order dated 07.05.2015 passed by learned Single Judge allowing the writ petition in the same terms as judgment rendered in Civil Writ Petition No.11459 of 2014.

It is to be taken note of that 24 writ petitions were disposed by this common judgment against which number of Letters Patent appeals were filed by the State of Haryana. Some of them have been dismissed on merits while some of them barred by limitation. The appeal in question is reported to be barred by delay and laches of 905 days in filing and 48 days in re-filing the appeal. The explanation submitted for this inordinate delay is almost the same as was one tendered in LPA No.32 of 2018 and LPA No.2316 of 2017, which were barred by delay and laches of 913 days and 898 days,

respectively. In both the cases, the explanation submitted by the appellant(s) was not found to be sufficient and as such applications under Section 5 seeking condonation of delay were dismissed and accordingly the appeals were also dismissed being barred by limitation.

Since in the case in hand also the explanation contained in application under Section 5 of the Limitation Act is same as in the aforesaid two appeals, i.e. LPA No.32 of 2018 and LPA No.2316 of 2017, we see no reason to take a different view as taken earlier by us while dismissing the aforesaid appeals as barred by limitation. Accordingly, there being no ground to condone the delay, application under Section 5 of the Limitation Act in this appeal also stands dismissed and as a consequence the appeal is dismissed as barred by limitation.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

08.08.2018
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO