

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

LPA No. 863 of 2018 (O&M)

Date of Decision: 18.07.2018

State of Haryana and another

.....Appellants

versus

Ruhi Khan and others

.....Respondents

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

Present : Mr. Lokesh Sinhal, Addl. Advocate General, Haryana,
for the appellants.

KRISHNA MURARI, C.J. (oral)

This intra-court appeal under clause X of the Letters Patent has been filed challenging the judgment and order of the learned Single Judge dated 18.05.2017 allowing the writ petition filed by the petitioners-respondents herein.

2. There is a delay of 158 days in filing and 135 days in refilling the appeal by the appellant-State of Haryana. The only explanation submitted in the application for condonation of delay is contained in paragraph-2 of the application which reads as under:-

“2. That the above said writ petition was decided by the learned Single Judge on 18.05.2017 and thereafter the O/o Advocate General, Haryana downloaded the copy of the order from the website of the Hon'ble High Court on 02.06.2017 and accordingly, the case was put up before the learned Law Officer to tender the opinion. The concerned law officer tendered its opinion on 31.10.2017 which was thereafter placed before the learned Additional Advocate General, Haryana, who agreed with the opinion of the Law Officer on 01.11.2017 and the same was also agreed by the learned Advocate General, Haryana on 02.11.2017.”

3. As is usual with the State, the delay has been attributed to the movement of the file, from one office to another, seeking legal opinion and permission to file Letters Patent Appeal. In our considered opinion such a lackluster attitude of the officials cannot constitute a good ground to condone the delay and to take away a vested right which stands created in favour of the other side by inaction on the part of the appellants. In case the delay is unintentional and *bonafide*, the same is liable to be condoned but where the delay is on account of lackluster attitude of the officials, in such circumstances, the delay is not liable to be condoned.

4. We are not satisfied with the explanation submitted for condoning the delay and as such the delay condonation application stands dismissed. Accordingly, the appeal also stands dismissed as barred by limitation.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

18.07.2018
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Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√