

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

**CM-2612-13-LPA-2018 in/and
LPA No. 985 of 2018 (O&M)
Date of decision: 14.9.2018**

State of Haryana and another

... Appellants

Versus

Chhote Lal Yadav

... Respondent

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

Present: Mr. Deepak Balyan, Additional A.G. Haryana,
for the appellants.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

This intra-court appeal, under Clause X of the Letters Patent, is directed against an order dated 21.4.2017, passed by the learned Single Judge, requiring the Secretary, Education Department, to be present in person along with record and also imposing costs of ₹10,000/-.

Office has reported delay and laches of 154 days in filing and 55 days in the re-filing this appeal. The explanation submitted through the application under Section 5 of the Limited Act, 1963, is as usual as we have found in most of the appeals filed with delay. Instead of explaining the delay in a proper manner, the appellants have just stated dates with respect to the movement of file from one desk to another, and one authority to another. Actually, there is no explanation as to what caused the delay in one office and why it could not be forwarded to the other office within a reasonable time.

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This issue has been considered in detail by us in **LPA No. 1122
of 2018 (The State of Haryana and others Vs. SI Nanak Singh)**, and it
has been held that the explanation of this kind is not sufficient, so as to
condone the delay.

In view of the aforesaid facts and circumstances, we do not find
any good ground to condone the delay and accordingly application under
Section 5 of the Limitation Act stands dismissed.

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

**(KRISHNA MURARI)
CHIEF JUSTICE**

**(ARUN PALLI)
JUDGE**

September 14, 2018
AK Sharma

Whether speaking / reasoned:	YES
Whether Reportable:	NO