

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

**RFA No.5350 of 2017 (O&M)
Date of Decision:25.04.2018**

Didar Singh

...Appellant

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. R.S. Manhas, Advocate
for the appellant.

G.S. SANDHAWALIA, J. (ORAL)

The present appeal is barred by limitation by 7939 days in filing the appeal and against the reference Court award dated 09.09.1995 passed by the Additional District Judge, Gurdaspur.

It has been averred that the appeal was filed qua the fixing of the market value which was remanded in the year 1999 and fresh order was passed in the year 2001 and which has been now decided by the Court in which compensation has been enhanced on 04.04.2016 to Rs.2453/- per marla. The appellant applied for the certified copy on 03.04.2015 during pendency of aforesaid reference before this Court and copy was prepared on 08.04.2015. Thereafter, the present appeal has been filed on 08.09.2017 after arranging funds and resultantly, delay is sought to be condoned.

The appeal is regarding the compensation which has been granted with regard to the Eucalyptus trees. The landowners had filed the appeal at the time in 1995 and the matter was decided in 2001 and eventually it was remanded. It has now allegedly come to the notice of

the appellant that what was the decision regarding the Eucalyptus trees and that the expenses could be arranged only after the decision of the appeal which pertains to the market value of the land. The explanation as such which is laconic in nature, and does not inspire any confidence in this Court. The issue of limitation can not be thrown out of the window and the colossal delay in the present case of 13 years is not liable to be condoned.

Keeping in view the settled principle of law, that Court helps those who are vigilant and not those who sleep over their rights, in such circumstances, there is no merit in the present application and the same is dismissed along with the main appeal.

25.04.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No