

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.661 of 2015(O&M)
Date of Decision: 25.01.2018

ISHWAR MASTANA

....Petitioner

Versus

P.R.T.C. AND ORS

....Respondents

CORAM:HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Amit Kaith, Advocate
for the petitioner.

Mr. Anupam Singla, Advocate
for respondents No. 1 to 3.

P.B. BAJANTHRI, J.(Oral)

In the instant appeal there is a delay of nearly 2576 days in challenging the Appellate Court Order dated 18.09.2007. Such a long delay cannot be condoned it is to be noted that its not only a delay there is a latches on part of the appellant. Time and again Hon'ble Supreme Court has held that delay is required to be examined by the High Court.

Learned counsel for the respondent relied on decision reported in **2012 (3) Law Herald 2419 Rajinder Kumar Khanna Vs. State of Punjab and Anr** (para 5) reads as under:

'Long delay of more than 1 ½ years cannot be condoned on bald assertion that Advocate of the applicant-appellant in the lower appellate Court kept on wrongly telling the appellant and his father that first appeal was still pending. It is not even mention in the application that applicant-appellant took any action against the aforesaid Advocate for his action resulting in delay in filing this second appeal. Such bald assertion can be made by any litigant to serve his purpose. Long delay of 01 year, 06 months and 12 days in filing the appeal cannot be condoned on such bald assertion.'

In the present case, there is a delay of 2576 days, which has not been explained appropriately with material, therefore, the appellant has not made out a case.

Accordingly, the appeal stands dismissed.

[P.B. BAJANTHRI]
JUDGE

January 25, 2018
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no