

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-1854-2017 (O&M)

Date of Decision:-29.01.2018.

Haryana State Agriculture Marketing Board

.....Appellant

Versus

Kabaj Ram

.....Respondent

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

Present: Mr. Vishal Garg, Advocate for the appellant.

P.B. BAJANTHRI, J. (Oral)

Appellant has questioned trial Court decree dated 11.09.2009 as well as Appellate Court order dated 03.05.2010. There is delay of 1894 days in filing present appeal so also delay of 368 days in re-filing the present appeal. Reason assigned for condonation of delay are as under:

2. That the applicant has engaged a counsel to file a appeal against the judgement dated 03.05.2010 passed by learned first appellate court, vide order dated 25.06.2010. The said learned advocate had sought for certain documents for filing of the appeal but Assistant, who was dealing with the case instead of supplying the documents concealed the said communication from the said advocate.

3. That that said Assistant kept the authorities in dark about the fate of the case. This fact came to notice only in the month of August, 2015, when during the pendency of the execution petition, the enquiry about the appeal

was conducted. Immediately thereafter, the procedure to engage a fresh counsel was undertaken and the undersigned was engaged to file present appeal. The appeal was immediately filed thereafter.

4. That dealing Assistant was charge-sheeted under Rule 2.2b of the service rules for his act and conduct that despite of the fact that the appeal was filed immediately, after the above referred facts came into notice of the competent authority, there was already a delay of 1894 days and the said delay is neither intention, nor willful and due to reasons mentioned hereinabove.”

Reasons are not satisfied for condonation of delay in filing and refiling the present appeal in other words sufficient cause has not been shown to condone the delay. Thus, the appellant has not made out a case for condonation of delay for both filing and refiling of the main appeal.

Accordingly, appeal stands dismissed.

(P.B. BAJANTHRI)
JUDGE

January 29, 2018.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.