

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-2095-2017 (O&M)

Date of Decision:-28.02.2018.

Vikas Kumar

.....Appellant

Versus

The State of Haryana and others

.....Respondents

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

Present: Ms. Rajvinder Kaur, Advocate for
Mr. Ramandeep Singh, Advocate for the appellant.

P.B. BAJANTHRI, J. (Oral)

In the instant appeal, appellant has questioned the validity of Trial and Appellate Court orders dated 12.09.2012 and 18.12.2013. There is a delay of 1150 days in presenting the appeal. Reasons assigned are as under:-

“3. That there is a delay of 1150 days in filing the present appeal. The appellant has given the case file to one of his relatives for filing the present appeal but the same was misplaced and instead of telling the truth to the appellant, he kept on telling that there case is pending for consideration in the Hon'ble Court.

4. That when this fact came into the knowledge of the appellant, he immediately applied for certified copies of the impugned judgments and thereafter engaged a counsel for filing of the present R.S.A.

5. That due to the above mentioned reason a delay of 1150 days has been caused in filing the present

appeal. The said reason was beyond the control of the appellant and the appellant was under an impression that his case has already been filed as in a good faith he has given the complete case file to his relative.”

Further there is a delay of 177 days in re-filing the appeal for which reasons assigned are as under:-

“2. That inadvertently this file was attached with some other file and the case with which the present case file was attached came up for hearing on 06.02.2017. At that time, the same came into the notice of the clerk to the counsel for the appellant and immediately the present RSA is being re-filed after removing objections with a delay of 177 days.”

Sufficient cause not been shown to condone the delay of 1151 days in presenting the present appeal so also for condonation of 177 days in re-filing the appeal except stating that case was entrusted to some person and it was misplaced. Nothing is forthcoming. Further in condonation of delay in re-filing of 177 days, it is stated that case was attached to some other file. For these reasons enormous delay of 1150 days in presenting the present appeal cannot be condoned and accepted.

In view of above, CM Nos.5078-C-2017 and 5079-C-2017 also stand dismissed. Consequently, appeal stands dismissed.

(P.B. BAJANTHRI)
JUDGE

February 28, 2018.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.