

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

**CM Nos.2604-C to 2606-C of 2018 in/and
RSA No.2939 of 2017 (O&M)
Date of decision : February 16, 2018**

Amarjit Singh and another

..... Appellants.

Versus

Kuldip Kaur and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.S. Randhawa, Advocate for the appellants.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

CM Nos.2604-C to 2606-C of 2018

Appellants seek amendment of the application for condonation of delay in refiling the present regular second appeal, so as to make necessary averments in the said application and regular second appeal.

It is stated that due to clerical error, the grounds of appeal is to be amended.

In view of the matter, the applications are allowed and amended application and grounds of appeal are taken on record.

Main case

Heard.

Appellants have filed an appeal against the judgment and decree dated 16.10.2009 passed by learned Addl. District Judge, Ludhiana affirming the judgment and decree dated 05.12.2000 passed by learned Civil Judge (Jr. Divn.), Ludhiana, along with the an application bearing CM No.7323-C of 2017 for condonation of delay of 2520 days in refiling the present appeal.

Heard on the application for condonation of delay in refiling the appeal.

It is stated that in the application that the appellants had engaged Sh. Jasbir Singh Chahal, Advocate to file regular second appeal on 18.01.2010. The same was returned by the Registry with certain objections. It was again refiling on 28.05.2010. However, the same was again returned by the Registry with certain objections on 06.08.2010.

Thereafter, the appellants were informed by the Clerk of the said counsel that the appeal has been refiled and is pending for adjudication and they will be informed as and when the appeal is listed. The appellants tried to contact the clerk of the said counsel many times but no satisfactory answer was received. Then they contacted the new counsel in January, 2016 and thereafter, new counsel made the efforts. He was asked to provide the copies of the judgments and decree of both the courts below and the name of the judge, who passed the same. Thereafter, the appellants again met the said clerk requesting him to supply the paper book and they were told that same is not traceable. Then the lower court record was made available to the new counsel in the last week of July, 2016 but the same was not complete. In April, 2017, new counsel brought the record from the appellants and thereafter the regular second appeal was refiled, resulting in delay of 2520 days. The application is supported by an affidavit.

I am of the view that the story put forth by the appellants, cannot be believed. The appeal was filed on 18.01.2010 and after removing certain objections, again refiled on 28.05.2010. The same was again returned by the Registry with certain objections on 06.08.2010. The