

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.490 of 2018(O&M)

Date of Decision: 23.01.2018

Sohan Lal & anr.

... Appellants

Versus

Pandit Sunil Kumar & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. H.N. Sahu, Advocate,
for the appellants.

RAMENDRA JAIN, J.(Oral)

The instant appeal has been filed along with the application under Section 5 of the Limitation Act for condonation of exorbitant delay of 1432 days in filing it.

Learned counsel for the applicant-appellants contends that initially, the appellant had filed an appeal, but on the advice of the Registry of this Court that instead of filing an appeal he ought to have preferred a revision, he withdrew his appeal and filed a revision petition challenging the impugned judgments of both the Courts below against him, which has been dismissed being not maintainable vide judgment dated 12.12.2017. Therefore, the delay of 1432 days in filing the appeal has occurred on account of the wrong advice of the Registry of this Court and also due to his own fault.

Heard.

After having given thoughtful consideration to the submissions made by learned counsel for the appellants, this Court finds no valid reasons for condonation of exorbitant and extraordinary delay of 1432 day in filing

the instant appeal for the reasons to follow:-

1. No noting or alleged advice of the Registry of this Court has been produced/annexed with the application for condonation of delay from which story put forth by learned counsel for the appellant may be believed. It seems that a false story is concocted just as to make out a ground for consideration of delay in filing the instant appeal.
2. Ignorance of law is no excuse. If the counsel for the appellant was ignorant of law as to whether after losing cases in two Courts, he had to prefer an appeal or revision, the same by in itself cannot be considered as a ground for condonation of such an exorbitant delay of 1432 days.
3. No question of law much less substantial is involved in the accompanying regular second appeal.

In view of the discussion made above, this appeal stands dismissed.

23.01.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No