

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

RSA No.857 of 2017 (O&M)
Date of Decision.17.12.2018

Raj Kumar

....Appellant

Vs

Harjit Singh and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Aayush Gupta, Advocate
for the appellant.

:-

AMIT RAWAL J. (ORAL)

The appellant-defendant No.3 is in appeal against the concurrent finding of fact whereby the suit of the respondent-plaintiff has been decreed.

The appeal is accompanied by an application seeking condonation of delay of 357 days. The explanation given was that appellant-defendant No.3 was under depression as his valuable right was declined by the lower Appellate court. He is a poor person and had purchased the suit property being a bona fide purchaser and in this process, delay of 357 days had occurred. Para 2 of the application seeking condonation of delay is extracted herein below:-

“2. That there has been a delay of 357 days in filing the appeal, because after the dismissal of appeal filed by the appellant-defendant No.3 before the Ld. Appellate Court the appellant-defendant No.3 was under depression as the very valuable rights of the appellant-defendant No.3 were involved and the same has been declined by the Ld. Courts below. Even the appellant-defendant No.3 who is a very poor person, who has given all his savings by purchasing the suit property being the bona fide

purchaser, even he had no source to get the counsel fee to approach this Hon'ble Court. In this process of approaching this Hon'ble Court, there had been a delay of 357 days without any intention and even the delay will not any benefit to the appellant-defendant No.3, therefore, delay in filing the appeal may kindly be condoned.”

The explanation is bereft of the parameters required for condonation of delay as well as the expression of reasonable cause and bona fide mistake, in view of the ratio decidendi culled out by Hon'ble Supreme Court in **Office of the Chief Post Master General and others Vs. Living Media India Ltd. and another (2012) 3 SCC 563.**

The appeal is dismissed on the ground of delay only.

(AMIT RAWAL)
JUDGE

November 17, 2018

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No