

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

**LPA No.67 of 2019 (O&M)
Date of Decision :22.02.2019**

Civil Surgeon/Chief Medical Officer, Sector 6, Panchkula

.....Appellant

Versus

Somti Devi since deceased through her LR's and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Deepak Balyan, Addl.A.G. Haryana.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This *intra court* appeal, under clause X of the letters patent, filed by the State of Haryana, is directed against the judgment and order dated 12.09.2017, passed by the learned Single Judge. Office has reported that one day delay in filing the appeal and 412 days in re-filing. In so far as the delay in filing the appeal is concerned the cause may be sufficient and accordingly Section 5 application is allowed.

However, in so far as the delay in re-filing the appeal is concerned the explanation submitted in application under Section 151 CPC is as under:-

“2. That the appeal was filed on 13.10.2017 but the same was returned with some objections by the registry of the Hon'ble High Court lastly on 05.01.2018 with certain objections.

3. That after obtaining the paper book from the registry, the dealing clerk of the office of Advocate General

Haryana has written a letter to the concerned department for supplying the necessary documents for completing the present case, and after receiving the same, the required documents were searched and were again prepared for completion of the present LPA. Because of the lengthy Government procedure the appeal was not refilled within time as certain documents were required to be appended with the LPA.

4. That in this way a delay of 412 days in refilling the appeal is caused which is not intentional but due to bonafide reasons and due to the limitation of human faculty.”

A perusal of the aforesaid averments goes to show that as a matter of fact there is absolutely no explanation at all for inordinate delay of 412 days in re-filing the appeal. The averments made do not spell out any sufficient cause to condone the inordinate delay. In the absence of any explanation at all the delay is not liable to be condoned and accordingly the application under Section 151 CPC seeking condonation of delay of 412 days in re-filing the appeal stands dismissed.

Accordingly, the appeal stands dismissed being barred by limitation.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

22.02.2019

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No