

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDI GARH

LPA No.721 of 2019 (O&M)  
DATE OF DECISION: 15.05.2019

Rajinder Kumar Chaudhary .....Appellant  
versus

State Bank of India and another .....Respondents

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

Present: Shri Ashwani Bakshi, Advocate for the appellant

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KRISHNA MURARI, CHIEF JUSTICE: (Oral)

This intra-Court appeal under clause-X of the Letters Patent is directed against the judgment and order dated 27.09.2017 passed by learned single Judge allowing the petition filed by respondent-bank and setting aside an award of the Labour Court in favour of the appellant herein. .

Office has reported delay and laches of 365 days in re-filing the appeal. The appeal is accompanied by an application under section 151 CPC seeking condonation of delay of the said period. The explanation set out in the application, as contained in paragraph 7 thereof, reads as under:-

“7. That, thus, these several cases and multiple rounds of litigation faced by the appellant when he was not having any definite source of income further put him and his family, that included his ailing wife and two daughters of marriageable age, one of whom was eventually married of into 2016 by the appellant after taking loan from relatives and friends, into serious financial as well mental strain. The dismissal of his writ petition further pushed him in the condition of hopelessness. Thus, he could not do the needful for re-filing the appeal in time firstly after the objections dated 06.01.2018 and subsequently after the objections dated 07.05.2018.”

A perusal of the same goes to show that after the dismissal of writ petition the appellant went into a state of hopelessness and, thus, could not take steps for re-filing the appeal.

It is to be taken note of that the question of re-filing the appeal arose only after the appeal was prepared and it was filed and returned for removing certain objections. Thus, it does not appeal to reason that after dismissal of writ petition the appellant slipped into a state of hopelessness but still got the appeal prepared and could not take steps for its re-filing. The explanation does not appear to be bona fide and does not constitute sufficient cause for condoning the delay. Even otherwise, for we have examined the record, this appeal is speculative. Thus, in the absence of any sufficient cause, the inordinate delay of 365 days in re-filing the appeal cannot be condoned. The application is accordingly dismissed. As a result, even the appeal stands dismissed.

(KRISHNA MURARI)  
CHIEF JUSTICE

(ARUN PALLI)  
JUDGE

15.05.2019  
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NOTE:

Whether speaking/ non-speaking: Speaking  
Whether reportable: YES/ NO