

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

**LPA-901-2019 (O&M)
Date of Decision: July 11, 2019**

**The Management of Board of Trustees, Haryana Rajya Bal Bhawan
and another**

...Appellants

Versus

Som Nath and another

...Respondents

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

**Present: Mr. Raman B. Garg, Advocate,
for the appellants.**

KRISHNA MURARI, C.J. (ORAL)

This intra-court appeal, under Clause X of the Letters Patent, is directed against the judgment and order dated 18.12.2017, passed by the learned Single Judge.

Office has reported delay and laches of 248 days in re-filing the appeal. The appeal is accompanied by an application under Section 151 CPC, duly supported by an affidavit. The explanation submitted for delay in re-filing the appeal is contained in paragraph No. 3 of the application, which reads as under:-

“3. That in the meanwhile, the counsel for the applicant/appellant found that some documents provided by the office of the applicant/appellant are interpolated; accordingly, a letter dated 17.8.2018 was written to the

applicant/appellant for providing original documents. The officials of the applicant/appellant searched for the original documents not only in its records but also in the records of Haryana Rajya Bal Bhawan, Madhuban and its headquarter at Chandigarh vigorously by visiting these places many times, however, the same could not be located despite all strenuous efforts.”

A perusal of the aforesaid averments leads to the conclusion that either the appeal has been filed alongwith the interpolated documents or the documents were not at all required in this appeal and the explanation simply has been manufactured to explain the inordinate delay and laches. In either of the eventuality the inordinate delay of 248 days in re-filing the appeal is not liable to be condoned. Accordingly, the application under Section 151 CPC, seeking condonation of delay in re-filing the appeal, stands dismissed and as a consequence the appeal is also dismissed being barred by delay and laches.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

July 11, 2019

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Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO