

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

**LPA No. 730 of 2019 (O&M)
Date of decision: 12.4.2019**

The Divisional Forest Officer, (Community), BhiwaniAppellant

Versus

Pawan and another

... Respondents

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

Present: Mr.Deepak Balyan, Additional A.G. Haryana,
for the appellants.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

This intra-court appeal, under Clause X of Letter Patents, is directed against the judgment and order, dated 28.11.2017, passed by the learned Single Judge.

Office has reported delay of 329 days in re-filing and 48 days in filing the appeal. So far as delay of 48 days in filing the appeal is concerned, we find that cause shown is sufficient and the same is condoned. However, we are not satisfied with the explanation submitted for delay of 329 days in re-filing the appeal, as the averments made do not reflect any sufficient cause. Another fact required to be taken note of, is that appeal has been filed against the opinion of learned Legal Remembrancer, Haryana, who, vide letter dated 01.01.2018, opined that it is not a fit case for filing LPA. The averments set out in the application go to show that after opinion of the LR, Haryana, the file was being moved between the Divisional Forest Officer,

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Bhiwani and the Principal Chief Conservator of Forests, Haryana. The delay of 329 days in re-filing the appeal is sought to be explained by giving details of the movement of file from one officer to another. If the officers of the State Government were not vigilant and the time was consumed unnecessarily in moving the file from one desk to another, in our considered opinion, the same shall not constitute a sufficient cause to condone the delay. A litigant, whether be it a State, cannot be permitted to choose the time, as per its convenience, to file an appeal. For, the explanation being submitted is vague and lacks bonafies, we are not inclined to condone the delay in re-filing. Accordingly, the application seeking condonation of delay of 329 days in re-filing the appeal is dismissed.

As a consequence, the appeal stands dismissed as barred by limitation.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

April 12, 2019

AK Sharma

Whether speaking / reasoned:

YES

Whether Reportable:

NO