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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/11/2019 16:53
I attest to the accuracy and
authenticity of this document

CR-2807-2019 (O/M)
Date of decision : 1.5.2019

Haryana State Road and Bridges Development Corporation Limited Petitioner (s)

Versus

K.K. Singh Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vishal Garg, Advocate,
for petitioner.

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KULDIP SINGH, J. (ORAL)

Impugned in present revision is order dated 11.10.2018, passed by learned Additional District Judge, Chandigarh, vide which application filed under Section 5 of Limitation Act for condonation of delay of 646 days in filing appeal against judgment and decree dated 6.1.2016, passed by learned Civil Judge (Junior Division), Chandigarh, was dismissed.

Heard.

I have gone through application. It is stated in the application that for the purpose of filing appeal, the copy of judgment was put up before concerned authority for necessary approval and permission for filing appeal. Appellant Corporation is a Government body and various approvals are required. When matter was in progress, office was shifted from Gurgaon to Rewari on 15.11.2016 and during shifting of office, various files were mismanaged and some were lost and some were wrongly sent to other departments. Thereafter, files were located and synchronized, which

resulted in delay of 640 days in filing appeal before lower appellate Court.

The application shows that name/designation of concerned authority before whom file was put up has not been mentioned. Proceeding in office has also not been annexed to show that actually when file went from one official to another and when same was received back. No record has been produced that when file was lost, what communication between one office to another was made and any action was taken against anybody. The plea in application is mere an excuse to seek condonation of huge delay of 640 days in filing appeal. Therefore, there is no illegality or infirmity in impugned order.

The learned counsel for petitioner has relied upon authority of Apex Court in S. Ganesharaju (D) LRs and another Verus Narasamma (D) Thr. LRs. And others 2012 (4) Scale 152. Said authority shows that there was delay of 53 days in approaching Court and appellant was not party to agreement. Hence, delay was condoned. It does not lay down that any amount of delay should be condoned only on the ground that there is no malafide in approaching the Court in time. No ground to interfere in impugned order is made out. Thus, revision petition is dismissed.

(KULDIP SINGH)
JUDGE

1.5.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No