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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2921-2019 (O&M)
Date of decision : 6.5.2019

Smt. Kamla and another	 Petitioners
Versus	
Lal Singh and another	 Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Gaurav Aggarwal, Advocate for the petitioners.

KULDIP SINGH, J.

Heard.

Impugned in the present petition is the order dated 28.1.2019 (Annexure P-3), passed by learned Additional District Judge, Gurugram vide which an application filed for condonation of delay of about 8 years in filing the appeal was dismissed.

It comes out that vide the judgment and decree dated 7.8.2007, learned Civil Judge (Junior Division), Gurugram passed a decree for specific performance of the contract in favour of the plaintiff-respondent No.1 and against the present petitioners and their brother Roshan-respondent No.2. From the decree, it comes out that Roshan-respondent No.2 was appearing in the said case whereas the present petitioners did not appear and proceeded ex-parte.

A perusal of the impugned order dated 28.1.2019 (Annexure P-3) shows that petitioners were served but they refused to accept service. Therefore, *munadi* was ordered to be effected. Thereafter, ex-parte order was passed against the petitioners.

It further comes out that in the execution proceedings, present petitioners appeared and filed the objections on 10.1.2009. Present application for condonation of delay was filed in May 2015.

Learned counsel for the petitioners further contends that thumb impression of the petitioners were obtained on the power of attorney and blank papers and the power of attorney and objections were filed by some body else. However, this ground is not taken in the application placed on file. Though, it is stated that before filing the application, counsel has inspected the file. Even after filing the objections in the year 2009, the present application was filed with the delay of 6 years, therefore, the lower Court was justified in refusing to condone the huge delay of about 8 years in filing the appeal.

In view of above, no ground is made out to interfere in the impugned order dated 28.1.2019 (Annexure P-3), passed by learned Additional District Judge, Gurugram.

Dismissed with cost of Rs. 5,000/- to be deposited with the District Legal Services Authority, Gurugram.

(KULDIP SINGH)
JUDGE

6.5.2019
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Whether speaking / reasoned
Whether Reportable:

Yes/No
Yes/No