

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

CM-2852-LPA-2019 in/and
LPA-1250-2019 (O&M)

Date of decision:- 23.07.2019

Haryana Urban Development Authority (now Haryana Sahari
Vikas Pradhikaran), Panchkula and others

...Appellants

Versus

Jagdish

...Respondent

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

Present:- Mr. Arvind Seth, Advocate,
for the appellants.

* * * *

KRISHNA MURARI, C.J. (ORAL)

CM-2852-LPA-2019

Cause shown for non-appearance in restoration
application is found to be sufficient and order
dated 12.07.2019 is recalled.

The appeal stands restored to its original number.

LPA-1250-2019

This intra court appeal under Clause X of the Letters
Patent is directed against the judgement and order
dated 29.08.2018 passed by the learned Single Judge allowing
the writ petition filed by the respondent-workman.

2. Office has reported delay and laches of 278 days in
filing the appeal which has been sought to be explained by the
appellants by making an application under Section 5 of the
Limitation Act, 1963 containing averments to the following
effect:-

*That the impugned judgement and order
dated 29.08.2018 was dispatched by this
Court on 23.01.2019 and it was received*

in the month of February, 2019 in the office of Administrator, HUDA, Hisar and thereafter the file was processed and after obtaining approval from the Chief Administrator, HUDA, Panchkula, the appeal has been filed.

3. The appellants have tried to shift the burden on this Court that since copy of the order was sent very late, therefore, the delay has occurred. When confronted with the observation whether there is any obligation on this Court to forward a copy of the order to the litigant, the answer from the learned counsel for the appellants was "no". When this Court is not under an obligation to send a copy of the order to the appellants, how the date of receipt of the said order can be said to be the date of knowledge to them, particularly, when the appellants were represented before the learned Single Judge by two different counsel who argued the matter before her and the judgement was delivered orally in an open Court. It cannot be presumed that the appellants had no knowledge about the order. It is also to be taken note of that there is no pleading in the delay condonation application that the counsel appearing for the appellants before the learned Single Judge did not inform about the outcome of the writ petition. It appears that in normal course a copy of the order was forwarded to the appellants by this Court and taking advantage of the same they have tried to explain the delay.

4. After having gone through the averments made in Section 5 delay condonation application, we are of the considered opinion that it lacks bonafide and does not constitute sufficient cause to condone the delay of 278 days in filing the appeal.

5. Accordingly, the delay condonation application stands dismissed.

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

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

23.07.2019
Anodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No