

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

LPA No.1498 of 2019(O&M)

Date of decision: 06.09.2019

Gurmukh Singh Tiwana

... Appellant

Versus

Punjab & Sindh Bank and another

... Respondents

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

Present: Ms. Kanu Sharma, Advocate, for
Ms. Rishu Garg, Advocate, for the appellant.

KRISHNA MURARI, C.J. (Oral)

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 24.09.2012, passed by the learned Single Judge, whereby the writ petition filed by the appellant was dismissed on account of delay and laches.

Undisputed fact is that the orders impugned in the writ petition were dated 20.10.2007 and 26.03.2008 and the petition was filed with a delay of more than 3 years. The instant appeal is reported to be barred by 2498 days i.e. almost 7 years. It is accompanied by an application under Section 5 of the Limitation Act. The explanation offered is contained in paragraph 2 of the application, which reads as under:

“That the appellant is regular patient and due to his illness he could not look after his case and due to which earlier while filing the writ petition delay had occurred and after dismissal of the writ petition, the

appellant-applicant could not approach his earlier counsel within time and thereafter it was informed that the limitation period has already lapsed as such, now appeal could not be filed.”

A bare perusal of the averments quoted hereinabove go to show that there cannot be anything more vague. The appellant-applicant has not even cared to disclose what illness he was suffering, he has also failed to disclose what treatment he underwent and when did he get well so as he became able to contact his counsel for filing the appeal.

To our mind, it appears that these are manufactured facts having no truth in them only for the purposes of the case, they do not inspire any confidence and do not constitute sufficient cause so as to condone an inordinate delay of almost 7 years. Since the averments lacked bonafide, do not constitute sufficient cause, we are not inclined to condone such an inordinate delay on such vague allegation. The application under section 5 accordingly stands dismissed and as a consequence the appeal also stands dismissed being barred by delay and laches.

**(Krishna Murari)
Chief Justice**

**(Arun Palli)
Judge**

06.09.2019
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO