

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

LPA-1166-2018 (O&M)

Date of decision:- 15.01.2019

Surinder Kumar

...Appellant

Versus

State of Haryana and others

...Respondents

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

Present:- Mr. Rai Singh Chauhan, Advocate,
for the appellant.

* * * *

KRISHNA MURARI, C.J. (ORAL)

This intra-court appeal under clause X of the Letters Patent is directed against the judgement and order dated 14.03.2017 passed by learned Single Judge dismissing the writ petition filed by the petitioner (appellant herein) challenging the order passed by the Chief Controlling Revenue Authority, Commissioner, Hisar Division, Hisar and District Revenue Officer-cum-Collector, Sirsa under Section 47-A of the Indian Stamp Act, 1899 determining deficiency in the stamp duty and imposing penalty to the tune of ₹ 4,89,125/- alongwith registration fee of ₹ 10,000/-.

2. Office has reported delay and laches of 444 days in re-filing the appeal. The appeal was presented in the office within time, but there were some deficiencies on account of which it was returned back to the learned counsel for the appellant to remove the deficiencies. Thereafter, it has been re-filed with the delay as reported of 444 days. The appeal is accompanied with an application made under Section 151 of the Code of Civil Procedure, 1908 seeking condonation of delay in

re-filing. The allegations set out in the application are being reproduced hereunder for ready reference:-

"1. That the present appeal was filed on 17.03.2017 before the Hon'ble Court and the same was returned by the registry branch to the undersigned counsel on 17.04.2017 by raising objections. Thereafter the aforementioned appeal was filed on 20.05.2017 by removing the objections. Thereafter, the registry branch raised some objections and the aforementioned appeal was returned to counsel on 22.05.2017.

2. That thereafter the appellant took the brief from the undersigned counsel for study and after few days when the undersigned counsel contacted the appellant to return back the brief for re-filing the appeal in question, then the appellant has replied that the brief was misplaced in his house.

3. That thereafter suddenly on 25.07.2018 the brief was located to the appellant in his house and he returned back the brief to the undersigned counsel on 26.07.2018 and thereafter without wasting any time further, the appeal in question is being re-filed.

4. That in this way the delay of 444 days in re-filing the appeal has occurred, which is neither intentional nor deliberate but due to reasons explained above."

3. As would be seen from the explanation extracted hereinabove, for almost one and a half year, the appellant after taking back the file sat on it and one fine day came to file the appeal with the explanation that it was lost in his house and all of a sudden when it was located the appeal is being filed. The explanation neither appears to be genuine, nor inspires any confidence and, thus, is not liable to be accepted

by any prudent person. For two years, the appellant did

nothing. Even if it is accepted that the file was lost in his house, the explanation appears to be an afterthought and lacks any bonafide.

4. In wake of the above fact, an inordinate delay of 444 days for want of convincing reasons is not liable to be condoned. Accordingly the application seeking condonation of delay in re-filing the appeal stands dismissed.

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

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

15.01.2019
Amodh

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