

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

**RSA No.4774 of 2016 (O&M)
Date of Decision.04.02.2019**

Sudagar Singh and another
Vs
...Appellants

Sain Dass (now deceased) through LRs and others
...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Rajeev Dev Sharma, Advocate
for the appellants.

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AMIT RAWAL J. (ORAL)

The only ground for seeking condonation of delay of 4110 days in filing of the appeal is that appellants were served in the suit but in the appeal, were proceeded ex parte, resulting into judgment and decree dated 25.11.2003.

The present appeal has been filed in 2016 seeking condonation of delay of 4110 days for the reason that they were not served in the appeal. Address given in the memo of parties before the trial Court and the lower Appellate Court *vis-a-vis* in this Court is identical, which fact has not been controverted. In such circumstances, the alleged explanation, in my view, is a lame excuse and therefore, cannot be a ground for seeking condonation of delay.

In view of the aforementioned fact, no ground is made out for condonation of delay. The applications for seeking condonation of delay of 243 days in refiling and 4110 days in filing of the appeal are dismissed. Resultantly, the second appeal is also dismissed.

**(AMIT RAWAL)
JUDGE**

February 04, 2019
Pankaj*

Whether Reasoned/Speaking	Yes
Whether Reportable	No