

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.1101 of 2017 (O&M)

Date of Decision: January 21, 2019

Dalip Singh

...Appellant

Versus

Roshan Lal & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Sunny K. Singla, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

The present Regular Second Appeal is directed against the concurrent findings of fact and law, whereby the suit of the respondent-plaintiffs claiming mandatory injunction for removing of illegal construction of tubewell room and water tank in the land measuring 13 marlas shown in the site plan and tubewell apparatus, has been decreed by the trial Court and affirmed by the Lower Appellate Court in appeal.

The appeal is accompanied by an application seeking condonation of delay of 406 days in filing the appeal on the premise that the judgment and decree of the Lower Appellate Court by which the appeal of the appellant-defendant was dismissed is dated 19.08.2015. The certified copy thereof was applied on 24.10.2016 and delivered on 16.11.2016. Thereafter, the documents were handed over to the counsel without any delay. The appeal was filed on 10.01.2017. In this process, delay of 406 days has occurred. The delay was neither intentional nor willful.

I have heard the learned counsel for the appellant-defendant and appraised the paper book.

The reasons made in the application are totally bereft of the explanation required in terms of the law as no explanation has come forth in applying the certified copy after the expiry of 1 year and 2 months of the order. Such an approach on behalf of the litigant and opposition at the second appellate stage cannot be said to be a reasonable cause. Accordingly, the application is dismissed. Resultantly, the appeal is also dismissed.

January 21, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No