

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

105

**CM-9027-9028-C-2018
& RSA-3402-2018**

Date of decision: 08.02.2019

THE STATE OF PUNJAB AND OTHERS

...APPELLANTS

VS.

TEHAL SINGH

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Kanica Sachdeva, AAG, Punjab,
for the appellants.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-9027-C-2018

Prayer in this application is for condonation of delay of 1022 days in filing the present appeal.

A perusal of the application did not indicate any reasonable explanation for the inordinate and unexplained delay. Liberty was granted to the State to file an additional affidavit vide order dated 02.07.2018 passed by this Court which order was not complied with despite four opportunities having been given when on 26.11.2018, following order was passed:-

“ Two weeks' time is prayed for by the counsel for the applicants-State to comply with the order dated 02.07.2018 passed by this Court, according to which, the State counsel was directed to furnish a detailed affidavit of a responsible officer

explaining the delay in filing the appeal.

Last opportunity is granted to the counsel for the State to comply with the said order within the time, as prayed for, failing which heavy cost will be imposed on the next date of hearing.

List on 08.02.2019.”

Today again, no additional affidavit has been filed to explain the inordinate delay.

Counsel for the State, on instructions from Sh. Sandeep Singh, Law Officer, Punjab Roadways, Ferozepur, submits that the State does not want to file any additional affidavit explaining the delay in filing the present appeal.

A perusal of the application would indicate that the judgment and decree was passed by the learned Additional District Judge, Ferozepur on 16.05.2015. There is nothing mentioned as to when the certified copy of the judgment and decree was applied or received. The first reference is with regard to the letter written by the District Attorney dated 01.08.2015 to the Director, Prosecution and Litigation Punjab with his opinion that the case was fit for filing the Regular Second Appeal. The Director, Prosecution and Litigation, on 26.08.2015, wrote a letter to the Secretary, Transport Department, Punjab, indicating the same opinion. The General Manager, Punjab Roadways, Ferozepur received a letter from the Head office dated 02.09.2015, which was received on 07.09.2015 instructing him to file an appeal. A letter was sent on 30.09.2015 from the General Manager, Punjab Roadways, Ferozepur to the Director for issuance of a direction to the Advocate General, Punjab, for filing an appeal. The Government of Punjab,

vide letter dated 07.10.2015, which was received on 12.10.2015 by the office of the General Manager, indicated the said sanction. The judgment and other documents were taken by Sh. Shah Bharat Singh, Law Officer, Ferozepur but the said Law Officer had not filed any case which was handed over to him. He resigned on 24.04.2017. New Law Officer was appointed on 04.12.2017 and it is thereafter that an appeal has been filed on 01.06.2018 leading to the inordinate and unexplained delay of 1022 days.

There is no explanation whatsoever, what to say of reasonable explanation of delay in filing the appeal.

The application, therefore, stands dismissed with cost of ₹10,000/- for wasting the valuable time of the Court, to be deposited by the Law Officer, who was appointed on 04.12.2017 and had continued till the date of filing of the appeal, with the High Court Legal Services Authority within a period of one month.

List on 11.03.2019 for compliance.

RSA-3402-2018

As the application for condonation of delay has been dismissed, the appeal being barred by limitation stands dismissed.

CM-9028-C-2018

In view of the dismissal of the main appeal, the present application has been rendered infructuous and the same is disposed of as such.

February 08, 2019*pj***(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No