

LPA No. 841 of 2019 (O&M)

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

**LPA No. 841 of 2019 (O&M)
Date of decision: 10.5.2019**

Anil Kumar and others

.....Appellants

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Gunjan Mehta, Advocate,
for the applicant-appellant.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

CM-2011-LPA-2019

This is an application seeking condonation of delay of 78 days
in re-filing the accompanying appeal.

For the reasons set out in the application, which is duly
supported by an affidavit, the same is allowed. Consequently, the delay of
78 days in re-filing the accompanying appeal is condoned.

Application stands disposed of.

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This intra-court appeal, under Clause X of Letter Patents, is
directed against the judgment and order, dated 12.01.2016, passed by the
learned Single Judge, dismissing the writ petition (CWP No. 7362 of 2013)

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filed by the petitioner-appellants.

Office has reported delay of 1040 days in filing the appeal. The appeal is accompanied by an application under Section 5 of the Limitation Act, 1963. The only ground set out in the application is that the delay has occurred since the petitioners were trying to obtain various information under the Right to Information Act, 2005.

It may be relevant to reproduce the following paragraphs from Section 5 Application:-

5. That the petitioners have applied under RTI for various information and it took valuable time to receive the information as such.

6. That in this way, the delay of 1040 days have occurred in filing the present LPA before this Hon'ble High Court.

7. That the delay of 1040 days in filing the present LPA is neither intentional nor deliberate but due to unavoidable circumstance.

The appellants have not even cared to disclose, as to what information they were trying to obtain under the RTI Act and what is the relevance of that information to the case at hands.

In view of the aforesaid explanation submitted, which is absolutely vague, such an inordinate delay is not liable to be condoned. Apart from above, the record indicates that the petitioners-appellants also filed a review application against the order dated 12.1.2016, which was dismissed on 21.11.2017. Neither order passed in review is under challenge, nor there is any explanation for this period.

In the absence of any plausible explanation, we are not inclined

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to condone the inordinate delay of 1040 days in filing this appeal. In view of the aforesaid facts and circumstances, the application under Section 5 of the Limitation Act stands dismissed. As a sequel, the appeal stands dismissed as barred by limitation.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

May 10, 2019

AK Sharma

Whether speaking / reasoned:
Whether Reportable:

YES
NO