

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

120

CR No.116 of 2020

Date of decision : 10.01.2020.

Hargopal Dass Prashar

... Petitioner

Versus

Kishori Lal Prashar and others

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Deepak Verma, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order of the Appellate Court whereby the application for condonation of delay in preferring the appeal by respondents No.1 & 2 has been allowed.

Learned counsel for the petitioner contends that respondents No.1 & 2 had been deliberately evading the proceedings and had been proceeded against *ex parte* and after the *ex parte* judgment was passed against them on 25.10.2018, they did not prefer appeal within the period of limitation. Respondents No.1 & 2 had not pleaded any sufficient cause which had prevented them from preferring the appeal. Therefore, the order passed by the Appellate Court is erroneous. He also contends that in the application for condonation of delay, respondents No.1 & 2 had not pleaded that they had not been served the judgement of the trial Court.

Heard.

The suit preferred by the petitioner had been decreed on 25.10.2018. The appeal was preferred by respondents No.1 & 2 along with application for condonation of delay on 05.02.2019. It was stated in the

application that the applicant had learnt about the decree of the trial Court only on 23.01.2019 and had thereafter, taken steps to file the appeal promptly. Even if, one was not to accept the contention of the applicant (respondents No.1 & 2) that they had no knowledge of the decree prior to 23.01.2019, the delay in preferring the appeal was about three months. The Appellate Court, while condoning the delay, has relied upon the judgments of the Supreme Court in the cases of *Collector, Land Acquisition, Anantnag vs. Katiji*, AIR 1987 SC 1353, *S. Ganesharaju vs. Narasamma*, 2013(11) SCC 341, *Ram Nath Sao @ Ram Nath Sahu and others vs. Gobardhan Sao and others*, (2002) 3 SCC 195, wherein it has been held that the expression 'sufficient cause' as described within the meaning of Section 5 of the Limitation Act, had to be liberally construed so as to advance substantial justice. The Appellate Court had also imposed costs of ₹10,000/- while allowing the application for condonation of delay in filing the appeal.

In view of the aforementioned facts and circumstances, I do not find any manifest illegality in the order of the Appellate Court which would warrant interference while exercising the revisional jurisdiction.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

January 10, 2020

sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No