

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

**LPA No. 155 of 2020 (O&M)
Date of decision: 07.02.2020**

Mehar Chand and others

... Appellants

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Vikram Singh, Advocate,
for the appellants.

RAVI SHANKER JHA, CHIEF JUSTICE (ORAL)

This is an intra-court appeal, under Clause X of the Letters Patent, against a judgment and order dated 08.01.2020, passed by the learned Single Judge, vide which the writ petition preferred by the appellants has since been dismissed.

Upon consideration of the matter in issue and the material on record, the learned Single Judge concluded that order of ejectment dated 15.9.1993 was passed against the predecessor-in-interest of the appellants, namely Tansukh, under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972, (for short, 'the Act'). Concededly, the said order was not questioned by Tansukh any further, who died on 1.10.1998. Subsequently, the appellants who happened to be his sons filed an injunction suit qua the land in dispute in May, 2016, which was dismissed. The appeal filed by them met the same fate, and the Regular Second Appeal preferred against the said decree is pending. It was during pendency of the said appeal,

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and perhaps left with no option, the appellants chose to assail the order of eviction dated 15.9.1993, suffered by their father, by way of an appeal under the Act. The appellate authority dismissed the same, for it suffered from gross, inordinate and unexplained delay of 26 years.

The plea of the appellants that they were unaware of the order of eviction was completely erroneous. Tansukh was alive for five years post eviction, therefore, it was not credible that order of eviction was not in their knowledge. Hence, the appeal filed by them after over two decades was not only an afterthought but also an abuse of process.

In the wake of the above, we too are dissuaded to interfere with the orders passed by the authorities as also the impugned judgment rendered by the learned Single Judge. The appeal being bereft of merit is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

February 07, 2020
AK Sharma

Whether speaking / reasoned: YES
Whether Reportable: NO