

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 977 of 2020

Date of Decision: 11.02.2020

M/s FX Enterprises Solutions Private Ltd.

... Petitioner(s)

Versus

Mahesh Kumar Dawar and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. N.S.Sodhi, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

The defendant has filed the present revision petition against the order passed by the learned District Judge, Faridabad, dismissing the application for condonation of delay of approximately 1000 days (two years & ten months). The Court has noticed that a decree dated 10.10.2016 for recovery of ₹39,34,500/- along with interest has been passed against the petitioner.

The appeal was filed in August 2019. In the application seeking condonation of delay, it was pleaded as under:

“2. That the Advocate of the applicant Shri Raghuvesh Singhal, failed to provide legal advice that the applicant was required to appeal against the judgment and decree dated 10.10.2016. He simply advised in casual manner that the applicant would be required to file his objections during the proceedings of execution. The execution for the same was filed on 01.07.2017 and it is pending before the Hon'ble court of

Sh.Mohd. Sageer, CJJD, Faridabad. It is extremely pertinent to mention here that no notice of execution was till 19.03.2019. That on 02.07.2019, the Ld. Court issued non bailable warrants against the applicant and the same was reissued on 19.07.2019. After the knowledge of the execution petition on 29.07.2019 the counsel of applicant appeared on behalf of applicant and filed the power of attorney. This was the date when the applicant got aware about the execution proceedings”.

The Court has found that the petitioner has failed to satisfactorily explain the huge delay.

This Court has heard learned counsel for the petitioner and with his able assistance, gone through the paper book.

In the considered view of this Court, in view of what has been pleaded in the application seeking condonation of delay, the learned District Judge has rightly concluded that the delay has not been satisfactorily explained. It will be noted here that the petitioner is a company working in National Capital Region area, to be precise in Faridabad abutting Delhi. The company was represented by the counsel. The explanation furnished for seeking condonation of delay of two years & ten months is wholly unsatisfactory. Hence, no ground is made out to interfere.

Dismissed.

(Anil Kshetarpal)
Judge

February 11, 2020
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No