

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-5845-2020

Date of Decision:-02.03.2020.

Tahal Singh and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Pankaj Bali, Advocate for the petitioners.

Mr. Rajesh Gaur, Additional A.G., Haryana.

SANJAY KUMAR, J. (Oral)

The order under challenge in this writ petition is traceable to Section 408-A of the Haryana Municipal Corporation Act, 1994. It is appealable under Section 408-B within seven days from the date of receipt. However, the petitioner chose to sleep over the matter and did not take recourse to the efficacious statutory appellate remedy provided to him.

The statutory provision does not prescribe any outer limit beyond which the appellate authority would be barred from entertaining an appeal. In such circumstances, the provisions of Section 29 (2) of the Limitation Act, 1963 (hereafter, 'the Act of 1963'), would come to the rescue of the petitioner and the appellate authority would be entitled to condone the delay on the part of the petitioner, if sufficient cause is made out for the same.

The petitioner is accordingly permitted to file an appeal along with a condone delay application, setting out the reasons for the delay on his part in filing an appeal. In the event the petitioner does so, the appellate authority shall consider the condone delay application on its own merits and exercise power under Section 29 (2) of the Act of 1963, if sufficient reasons are made out for the delay. Thereafter, the appellate authority shall dispose of the main appeal on its own merits and in accordance with law.

The writ petition is accordingly disposed of.

No order as to costs.

(SANJAY KUMAR)
JUDGE

March 02, 2020.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.