

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

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***CM-4818-LPA-2017 and  
LPA-2196-2017 (O&M)  
Date of Decision:13.01.2020***

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State of Punjab and others

. . . . . Petitioners

Vs.

Krishna Devi

. . . . . Respondent

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**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN  
HON'BLE MRS.JUSTICE ALKA SARIN**

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Present: - Mr.P.S. Bajwa, Addl. A.G. Punjab,  
for the applicants/appellants.

Mr.Rajesh Gupta, Advocate,  
for the respondent.

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***RAKESH KUMAR JAIN, J. (ORAL)***

***CM-4818-LPA-2017***

This application is filed under Section 5 of the Limitation Act, 1963 [for short 'the Act'] for seeking condonation of delay of 209 days in filing of the appeal.

It is averred in the application that the impugned order was passed by the learned Single Judge on 15.2.2017 and certified copy of the same was applied on 21.02.2017 which was made available to the applicants/appellants on 07.03.2017. After receipt of certified copy, the applicants/appellants were supposed to file the appeal within the prescribed period of 30 days but the opinion of the Law Officer of the Advocate General, Punjab office was obtained by the applicants/appellants on 17.05.2017, who gave his opinion to the department vide letter No.A-7/604-2017/14321-14323 dated 31.5.2017. Sanction to file the appeal

was obtained vide letter No.6/16/16-TLSB-2/11659 dated 12.6.2017 and the appeal was ultimately filed on 26.10.2017. In this process a delay of 209 days has occurred.

After notice in the application, respondent has filed her reply in which she has averred that the applicants/appellants have failed to show any sufficient cause for the purpose of condonation of delay.

Counsel for the applicants/appellants has submitted that the delay in filing of the appeal is not deliberate but it has occurred due to lengthy departmental procedure.

We have heard learned counsel for the parties and perused the record with their able assistance.

Section 5 of the Act provides for extension of time of limitation for the purpose of filing an application or appeal in case a sufficient cause is assigned. Though the expression "sufficient cause" is not defined in the Act but it has to be gathered from the facts and circumstances of the case to accept or reject the application. In the present case, the reason assigned as a sufficient cause by the applicants/appellants is of the "lengthy departmental procedure" for filing the appeal. Since the order was passed on 15.2.2017 and certified copy of the same was made available to the applicants/appellants on 07.03.2017, therefore, proceedings for the purpose of taking opinion and sanction to file the intra-Court appeal should have been taken within limitation but the opinion was sought from the Law Officer of the Advocate General, Punjab on 17.05.2019 and sanction was granted on 12.6.2017. Thereafter, the applicants/appellants could have filed the present appeal immediately but the appeal was filed after a period of about 4 months without giving any explanation whatsoever. The delay has, thus, been caused because of the laxity on the part of the department and it

does not involve any kind of lengthy procedure and hence the reason given by the applicants/appellants does not fall within the definition of “sufficient cause” for the purpose of invoking the provisions of Section 5 of the Act. The application is, thus, found devoid of any merit and the same is hereby dismissed.

**LPA-2196-2017 (O&M)**

Since we have dismissed the application for seeking condonation of delay in filing the intra-Court appeal, therefore, the appeal is also hereby dismissed.

**(RAKESH KUMAR JAIN)**  
**JUDGE**

**13.01.2020**

*Vivek*

**(ALKA SARIN)**  
**JUDGE**

*Whether speaking /reasoned* : *Yes/No*

*Whether Reportable* : *Yes/No*