

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

**Date of decision: 12.02.2020**

**CM No.13302-C of 2019 in/and**  
**RSA No.4660 of 2019 (O&M)**

State of Punjab & others

...Appellants

Vs.

Harbhajan Kaur

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Ms. Akshita Chauhan, AAG, Punjab.

Mr. Inderpal Singh Parmar, Advocate, for the respondent.

**RAJIV NARAIN RAINA, J. (ORAL)**

**CM No.13302-C of 2019 in**  
**RSA No.4660 of 2019 (O&M)**

1. The State appeal has been presented with a delay of 163 days, which is tried to be explained in the affidavit accompanying the application under section 5 of the Limitation Act, 1963. The judgment and decree in appeal was passed on 04.02.2019 and there is a candid admission that the certified copy was applied for on 06.09.2019. The certified copy was prepared on 09.09.219 and delivered on 10.09.2019. The Principal Secretary, School Education, Punjab, Chandigarh by his letter dated 07.08.2019 granted sanction for filing appeal in the High Court, which was received in the office on 14.08.2019 even before the copy was applied for. A liberal view has been sought from this court to avoid mere technicalities of law which should not obstruct the process of administration of justice. The State's stand in reminding the court is that justice should not only be

done, but it should appear to have been done and no one should be condemned unheard.

2. These figures of speech may sound well, but this Court has to look at the reason and the explanation offered by way of sufficient cause which prevented the State from filing the appeal belatedly and in this case after 163 days even when a certified copy of the judgment was applied for months after the pronouncement of judgment and decree.

3 Thus, I find no proper ground to condone the delay in filing the appeal. Consequently, the application for condoning the delay is dismissed. With the dismissal of the application by the learned appellate court the main appeal also stood dismissed. Those orders are endorsed as proper dispensation of justice when there is no apparent error in the approach of the court in exercising its judicial discretion.

**12.02.2020**  
Vimal

**[RAJIV NARAIN RAINA]**  
**JUDGE**

*Whether speaking/reasoned:*  
*Whether Reportable:*

*Yes*  
*Yes/No*