

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

RSA No.2205 of 2018 (O&M)

Date of Decision:25.2.2020

Sawinder Pal Singh

... Appellant

Versus

State of Punjab and others

... Respondents

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

Present: Mr.Imran A. Ali, Advocate for the appellant

RAJIV NARAIN RAINA, J. (Oral)

1. This appeal has been presented with a delay of 1995 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 impugned in this appeal was passed on 7.5.2012 and there is unexplained gap between the date when the judgment in appeal was passed and the date i.e. 22.1.2018 when this appeal has been filed. The only ground taken by the appellant is that before the first appellate court there were two appeals, one filed by the appellant and the other filed by the State of Punjab. Both the appeals were decided by a common judgment and decree dated 7.5.2017. The appellant had already filed appeal before this court against the judgment and decree of the first appellate court. It is stated that since the State of Punjab had also filed appeal before the first appellate court, therefore, this appeal has been filed after a delay of 1995 days. There is no explanation whatsoever between the gaps for the huge delay of more than 5 years in approaching this Court.

2. This Court has to look at the reason and the explanation offered by way of sufficient cause which prevented the appellant from filing the

appeal belatedly and in this case after more than 5 years of unexplained delay.

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, the main appeal also stands dismissed.

25.2.2020
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No