

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

**RSA No.2256 of 2018 (O & M)
Date of Decision: 11.2.2020**

Punjab Agro Industries Corporation Limited

...Appellant

Vs.

Chanan Lala

...Respondent

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

Present: Mr.Kuldeep Singh, Advocate for
Mr.Somesh Gupta, Advocate
for the appellant

RAJIV NARAIN RAINA, J (Oral)

1. This appeal by the appellant arises out of the judgment dated 24.2.2015 passed by the Civil Judge (Senior Division), Gurdaspur, whereby suit filed by the appellant-plaintiff for recovery of Rs.5,23,683/- as damage and compensation from the respondent stood dismissed and was affirmed by the Additional District Judge, Gurdaspur, vide order dated 11.7.2017.

2. A delay of 60 days in presenting the appeal has been explained in the application under Section 5 of Limitation Act, 1963 supported by an affidavit in the following words:-

“2. That after the impugned judgment dated 11.7.2017 of Id.ADJ, Gurdaspur, the certified copy of the case was applied and same was received by the counsel for the appellant from the Registry of District Court, Gurdaspur, on 8.8.2017. Thereafter, case was got examined from the concerned Advocate and after his opinion dated 28.8.2017, same day the case was forwarded to the Head Office at Chandigarh for taking a decision regarding filing of the appeal. Reminder was also sent from district office to Head Office on 6.10.2017, 13.10.2017, 20.10.2017 and

6.11.2017. However, there was lot of confusion regarding filing of the appeal since in another connected case, appeal has already been filed against Sh.Chanan Lal respondent in this Hon'ble High Court. Finally, the confusion was removed when official of district office approached undersigned Advocate who is already dealing with another appeal filed in this Hon'ble High Court against Sh.Chanan Lal and thereafter decision was taken at Head Office level on 29.11.2017 and undersigned was engaged as a counsel in this case also. On 5.12.2017 undersigned counsel informed GM(Legal) to arrange money for deposit of Court fees, regarding which sanction was granted on 11.12.2017 and thereafter money was released to deposit court fees on 15.12.2017.

3. That in completing all the formalities to file the present appeal, delay took place in filing this appeal which is neither intentional nor deliberate rather for the reasons stated above.

2. This stock defence on the part of the agency of the State is legally unacceptable reason or a bona fide explanation for the belated approach preventing the appellant from filing the appeal within the prescribed period of limitation. No sufficient cause for filing the appeal belatedly has been shown which is commensurate with the criterion in Section 5 of the limitation Act for condoning the delay and explanations of this kind has been severely criticized by the Supreme Court in ***Office of the Chief Post Master General & ors. v. Living Media India Ltd. & Anr.***, 2012 (2) S.C.T. 269 where their Lordships have observed as under:-

“13) In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bonafide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates,

according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay.

Accordingly, the appeals are liable to be dismissed on the ground of delay.”

3. Keeping in view the aforesaid statement of procedural law, I am of the view that the explanation for condoning 60 days delay in filing the appeal offered by the appellant is not worthy of acceptance.

4. The appeal is dismissed on the ground of delay.

(RAJIV NARAIN RAINA)
JUDGE

11.2.2020

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Whether speaking/reasoned : Yes
Whether reportable : Yes/No