

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

RSA No.6292 of 2018 (O&M)
Date of Decision:18.2.2020

Dakshin Haryana Bijli Vitran Nigam Ltd. Vidyut Nagar Hisar through its
MD and others

... Appellants

Versus

Prem Sagar and others

... Respondents

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

Present: Mr.R.D.Bawa &
Mr.Randhir Bawa, Advocates for the appellants

RAJIV NARAIN RAINA, J. (Oral)

1. The Nigam appeal has been presented with a delay of 142 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 27.11.2017 and there is unexplained gap between the date of delivery of judgment on 21.12.2017 and the date i.e. 15.3.2018 when the file was sent to counsel for preparing an appeal. There is again an unexplained gap between the dates when the counsel was approached for filing appeal and the appellant-Nigam supplying the information/LCR regarding the case on 12.7.2018. A few dates may be recorded. The judgment and decree of the first appellate court is dated 27.11.2017 which was delivered on 21.12.2017. There is no explanation whatsoever between the gaps for the huge delay 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 Nigam from filing the appeal belatedly and in this case after 142 days 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.

18.2.2020

(RAJIV NARAIN RAINA)
JUDGE

MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No