

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

**CM-1587 to 1590-C-2020 in/and
RSA No.543 of 2020 (O&M)
DATE OF DECISION : 12th MARCH, 2020**

Food Corporation of India & Ors.

.... Appellants

Versus

M/S Sadhu Ram & Sons, Contractors

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. K. K. Gupta, Advocate for the applicant-appellants.

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RAJBIR SEHRAWAT, J. (Oral)

CM-1587 & 1588-C-2020

There is delay of 02 days in filing and of 3478 days in re-filing the appeal.

For seeking condonation of delay in refiling, the reason given by the applicant-appellant is as under:

“That the accompanied Regular Second appeal against the judgment and decree of the courts below was filed within the period of limitation i.e. on 16.02.2010 but the Registry of this Hon'ble High Court raised certain objections vide note date 17.04.2010. The said objections were duly informed to the concerned office of the FCI but the said objections could not be complied with in the absence of any response from the concerned office of the FCI. It is now at this stage when the respondent has filed execution of the judgment and decree that the FCI officials have contacted for re-filing of the

Regular Second Appeal and expressed communication gap in not contacting earlier. As such, the objections raised by the Registry are now being removed and in the said process a delay of 3478 days has taken place. The said delay is totally unintentional. The appellant would not be gaining anything in delaying the appeal.”

The above said reasons, by any means, are not any explanation, showing sufficient cause for condonation of the delay as such. Rather, the above said reasons reflect upon the casualness on the part of the appellant in dealing with the matter. Even if this court might be inclined to condone the delay in filing the appeal, still; there is absolutely no ground for condoning the huge delay of about 10 years in refilling the appeal.

In view of the above, the applications for condonation of delay in filing, as well as, in refilling the appeal, are dismissed.

CM-1590-C-2020

The application is allowed as prayed for.

CM-1589-C-2020 in/and RSA-543-2020

Since the delay in filing and refilling has not been condoned, therefore, the appeal is also dismissed as time barred.

12th MARCH, 2020
‘raj’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>