

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

LPA No. 211 of 2021

Date of decision : 23.2.2021

Suman Devi

.... Appellant

versus

Union of India and others

... Respondents

**Coram: Hon'ble Mr. Justice Jaswant Singh
 Hon'ble Mr. Justice Jaspurpreet Singh Puri**

Present Mr. Vinay Kumar Pandey, Advocate, for the appellant.

[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court.]

Jaswant Singh, J. (Oral)

This Intra-Court Appeal under Clause X of the Letters Patent is directed against the order dated 22.11.2012 passed by the learned Single Judge of this Court in CWP No. 2473 of 2015 whereby her petition seeking issuance of a writ in the nature of Certiorari for quashing the order dated 5.2.2014 declining her claim for amount of insurance in terms of Rule 56(2) of the Post Office Life Insurance Rules, 2011, was dismissed.

Since there is delay of 814 days in filing the appeal an application under Section 5 of the Limitation Act has been filed seeking condonation of the said delay.

It is averred in the application that appellant came to know about the dismissal of her writ petition in December, 2017 and took her brief from the counsel in the month of April, 2018. A new counsel was engaged by her in May 2018 to file the instant appeal and since then she had been pursuing the case with new counsel. Ultimately she came to know in January, 2021 that new counsel has not filed the appeal. Further the appellant has also stated in the application that she is suffering from heart ailment for which she remained under treatment during this period besides taking care of her two minor daughters. Thus, it is her prayer that in these circumstances, when the new counsel did not file the appeal in time and the appellant remained busy in her treatment and taking care of her minor daughters, the delay of 814 days in filing the appeal be condoned.

After hearing learned counsel and considering reasons ascribed to the delay in filing the appeal, we find no ground to condone the inordinate delay of 814 days in filing thereof.

Though it is averred by the appellant that since May 2018 she had been perusing her appeal with the new counsel, but she has failed to disclose as to why during this period she did not come to know about non-filing of the appeal, which fact was allegedly told to her by the present counsel in January 2021. Though the appellant has imputed the delay to her counsel, yet she has nowhere even disclosed the name of said counsel. It is also not her case that any action is proposed to be taken by her against the said erring counsel. As regards the ailment of the appellant, not even a single document has been placed on record in this regard so as to implore the empathy of this Court. All this goes to show that the alleged reasons behind the said delay are only an after thought to cover the inordinate delay of 814 days in filing the appeal.

For the reasons stated above, the application is dismissed and consequently, the appeal also stands dismissed as time barred.

(Jaswant Singh)
Judge

23.2.2021
joshi/vs

(Jasgurpreet Singh Puri)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No