

LPA No.751 of 2021 & connected cases

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision : 08.07.2022

CM-1841-LPA-2021 in/&
LPA No.751 of 2021

Rajinder Kumar

.....Appellant

VERSUS

Union of India and others

....Respondents

(2)

CM-2042-LPA-2021 in/&
LPA No.835 of 2021

Sukhdev Singh and others

.....Appellants

VERSUS

Union of India and others

....Respondents

(3)

CM-2136-LPA-2021 in/&
LPA No.892 of 2021

Amarjit Singh and others

.....Appellants

VERSUS

Union of India and others

....Respondents

(4)

CM-2135-LPA-2021 in/&
LPA No.890 of 2021

Roor Singh

.....Appellant

VERSUS

Union of India and others

....Respondents

(5)

CM-2341-LPA-2021 in/&
LPA No.991 of 2021

Darshan Singh

.....Appellant

VERSUS

Union of India and others

....Respondents

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(6)

CM-2342-LPA-2021 in/&
LPA No.992 of 2021

Ranjit Singh

.....Appellant

VERSUS

Union of India and others

....Respondents

(7)

CM-2343-LPA-2021 in/&
LPA No.993 of 2021

Hari Kishan Sharma and another

.....Appellants

VERSUS

Union of India and others

....Respondents

(8)

CM-2446-LPA-2021 in/&
LPA No.1049 of 2021

Sukhdev Singh and others

.....Appellant

VERSUS

Union of India and others

....Respondents

(9)

CM-59-LPA-2022 in/&
LPA No.26 of 2022

Maya Devi and others

.....Appellants

VERSUS

Union of India and others

....Respondents

(10)

CM-72-LPA-2022 in/&
LPA No.30 of 2022

Darshan Singh

.....Appellant

VERSUS

Union of India and others

....Respondents

(11)

CM-257-LPA-2022 in/&
LPA No.104 of 2022

Gurbax Singh and another

.....Appellants

VERSUS

Union of India and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vivek Thakur, Advocate
for the appellants.

Mr. Arun Gosain, Senior Standing Counsel
for Union of India.

AUGUSTINE GEORGE MASIH, J.

By this order, we decide the applications under Section 5 of the Limitation Act, for condonation of delay in filing the appeals as also the main appeals, which have been preferred against the judgment passed by the learned Single Judge on 30.05.2019 in a bunch of writ petitions, which included the writ petition preferred by the appellants. The delay in filing the appeals is different in each of the appeals, details whereof are as follows:-

Sr. No.	Delay	Case Nos.
1.	225 days	LPA Nos.751, 992 & 993 of 2021
2.	227 days	LPA Nos.835, 892, 890 of 2021, 26 & 30 of 2022
3.	216 days	LPA Nos.951 of 2021 and 104 of 2022
4.	224 days	LPA No.1049 of 2021

2. The reasons for not approaching the Court within the stipulated period of limitation i.e. 30 days is that the applicant – appellants were not aware about the passing of the judgment dated 30.05.2019 in the writ petitions and they came to know about it only when they enquired about the matter from their counsel and collected their files. Certified copy of the said judgment applied, prepared and delivered on the dates as have been mentioned. It is then the counsel for the applicant – appellants came to know that certain documents were not complete leading to the filing of application for inspection of the files. On applying, necessary documents were applied and delivered to him. Thereafter, the appeals were prepared and filed leading to the delay in filing the same as mentioned above.

3. Learned counsel for the applicant – appellants submits that the delay in filing the appeals is neither intentional nor deliberate, rather the same has occurred because of the reasons recorded above. He, therefore, prays that the delay in filing the appeal may be condoned.

4. On the other hand, learned counsel for Union of India submits that no genuine reason is forthcoming for the delay in filing the appeal. The applicant – appellants have been sleeping over the matter for a long time and suddenly woke-up to challenge the well-reasoned judgment passed by the learned Single Judge, which cannot be allowed. He, thus, prays for dismissal of these application for condonation of delay as well as the main appeals.

5. We have heard the learned counsel for the parties and with their assistance have gone through the applications as well as the impugned judgment passed by the learned Single Judge.

6. The explanation which has been given in the applications is totally unjustified. Applicant – appellants should have been vigilant enough and enquired about the fate of their case time to time. It appears that the applicant – appellants, after filing the writ petition, have simply forgotten about the same and had not taken interest in their own cases which they had filed. There being no justifiable explanation for the inordinate delay of more than 200 days in filing the appeal, no ground is made out for accepting these applications for condonation of delay. The applications, thus, deserve dismissal and as a consequence thereof, the appeals being time barred need to be dismissed as such.

7. In any case, on merits also, it requires to be mentioned here that petitioners in two of the writ petitions, which were decided along with the cases of the appellants, preferred LPA No.2076 of 2019, titled as 'Gurcharan Singh and another VS. Union of India and others' and LPA No.2069 of 2019, titled as 'Balwant Singh (since deceased) through LRs and others Vs. Union of India and others', which came up for hearing before a Division Bench of this Court on 06.01.2020, when the said appeals were dismissed by upholding the order passed by the learned Single Judge making an observation that the learned Single Judge has rightly dismissed the writ petitions on the ground of delay and laches as the appellants after passing of the award dated 06.03.1975 under the Registration and Acquisition of Immovable Property Act, 1952, did not file any application seeking appointment of an arbitrator and did so only after a period of 29 years by issuing a notice in the year 2004. Relevant part of the said judgment reads as follows:-

“We also find that enumeration of dates and facts by the learned Single Judge is admitted and not disputed. Admittedly the appellants approached the respondents-authorities for appointment of an arbitrator after delay of 29 years. As they did not choose to approach this Court along with the other claimant/land owner, who had filed a writ petition for appointment of an arbitrator in the year 1983, they are not entitled to relief on the ground of parity due to delay on their part in view of the law laid down by the Supreme Court in **New Delhi Municipal Council vs. Pan Singh and others, (2007) 9 SCC 278**, and **S.S. Balu and another vs. State of Kerala and other, (2009) 2 SCC 479**. Even otherwise, the provisions of the Act of 1952 and the Rules framed thereunder provide that a person aggrieved by the quantum of compensation is required to approach the authority within 15 days from the date of offer of compensation for appointment of an arbitrator, which has admittedly not been done by the appellants.

In view of the aforesaid admitted and undisputed facts, we do not find any illegality or perversity in the impugned order passed by the learned Single Judge. The learned Single Judge has rightly dismissed the writ petition on the ground of delay and laches.”

8. We have also gone through the judgment passed by the Division Bench of this Court as also the pleadings of these cases with the assistance of the counsel for the appellants but find no reason for taking a different view from the one which has been taken by the Division Bench of this Court referred to above.

9. It needs to be referred here that the review application preferred by the appellants in the above mentioned LPAs also stands dismissed by the

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Division Bench vide order dated 13.02.2020.

10. In the light of the above, these appeals are dismissed on the ground of delay and laches as also on merits following the judgment of the Division Bench in LPA Nos.2069 and 2076 of 2019 referred to above.

(AUGUSTINE GEORGE MASIH)
JUDGE

08.07.2022
Harish

(SANDEEP MOUDGIL)
JUDGE

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