

111 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-1060-C-2021 in/and
RSA-143-2021(O&M)
Decided on:-21.09.2022

Gurpal Singh and another

....Appellants...

vs.

Amar Singh (deceased) through LR's and ors.

....Respondents.

CORAM:HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. N.S. Sodhi, Advocate with
Mr. Naveen K. Mehra, Advocate,
for the appellants.

HARKESH MANUJA J. (Oral)

CM-1062-C-2021

Prayer in the present application is for impleading the legal
heirs of deceased-Amar Singh (respondent No.1).

Heard.

For the reasons mentioned in the application which is duly
supported by an affidavit, same is allowed and Gurjit Singh s/o of Amar
Singh is ordered to be impleaded as legal representative of respondent No.1,
for the purpose of pursuing the present appeal.

CM-1060-C-2021

This is an application for seeking condonation of delay of 3728
days in filing the present RSA-143-2021.

After having heard learned counsel for the applicants-

appellants and having gone through the contents of the application, I am of the considered view that no sufficient cause has been made out for condoning the delay of 3728 days in filing the present appeal. Even the basic minimum particulars explaining the delay have not been mentioned in the application.

In the present case, deceased-Amar Singh, who happened to be brother of the present appellants, filed a suit for declaration and permanent injunction based on a registered Will dated 12.09.1980, claiming the estate of his maternal grandfather-Inder Singh, but the same was dismissed by the court of learned Additional Civil Judge (Senior Division) Ropar, vide judgment and decree dated 02.12.2008. Aggrieved against the same, Amar Singh filed the first appeal before the Court of learned Additional District Judge, (Adhoc) Fast Track Court, Ropar and the same was allowed, vide judgment and decree dated 01.10.2010. Resultantly, deceased-Amar Singh was declared owner to the extent of 2/3rd share in the suit property based on the registered Will dated 12.09.1980.

Both the present appellants, who were party to the litigation chose never to appear and contest the suit in either of the two courts below. It is only after the death of Amar Singh i.e. on 10.11.2020, both the appellants have now filed the instant appeal along with the present application seeking condonation of delay of 3728 days in filing the present regular second appeal. At the cost of repetition, it is pointed out here that from the contents of the application, I do not find any sufficient cause to condone the delay in filing the present regular second appeal as no details at all have been given explaining the inordinate delay. Accordingly, the

application is dismissed.

Main case

Consequent to the dismissal of the application for
condonation of delay, RSA No.143 of 2021 also stands dismissed.

21.09.2022
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(HARKESH MANUJA)
JUDGE

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