

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

369+381

1. RFA-883-2020(O&M)
Date of decision: 04.07.2022

KARAM SINGH SINCE DECEASED
THROUGH HIS LRS AND ORS.

..Appellants

Versus

UNION OF INDIA AND ORS.

..Respondents

2. RFA-905-2020(O&M)

THURU RAM AND ANR.

..Appellants

Versus

UNION OF INDIA AND ORS.

..Respondents

3. RFA-906-2020(O&M)

LAL CHAND AND ANR.

..Appellants

Versus

UNION OF INDIA AND ORS.

..Respondents

4. RFA-927-2020(O&M)

JOGINDER SINGH AND ORS.

..Appellants

Versus

UNION OF INDIA AND ORS.

..Respondents

5. RFA-1010-2020(O&M)

BANTU @ BALWANT SINGH AND ORS.

..Appellants

Versus

UNION OF INDIA AND ORS.

..Respondents

6. RFA-1205-2021(O&M)

SMT. DURGI SINCE DECEASED
THROUGH HER LR AND ORS.

..Appellants

Versus

UNION OF INDIA AND ORS.

..Respondents

7. RFA-1405-2021(O&M)

BALKAR SINGH AND ORS.

..Appellants

Versus

UNION OF INDIA AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vishal Aggarwal, Advocate
Mr. Abhimanyu Singh, Advocate
for the appellants.

Mr. Arun Gosain, Sr. Govt. Counsel
for UOI.

ANIL KSHETARPAL, J(Oral)

CM-2232-CI-2020 in RFA-1010-2020

CM-2755-CI-2021 in RFA-1205-2021

CM-2964, 2965 & 2966-CI-2021 in RFA-1405-2021

For the reasons stated in the applications which are supported by an affidavit, the applications for bringing on record the legal representatives of deceased late Sh. Babu Ram [appellant No.2], late Sh. Harnam Singh [appellant No.3], late Sh. Dhian Singh [appellant No.3(a)], late Smt. Suraksha Devi [appellant No.3(b)], Smt. Durgi Devi [appellant No.1], late Smt. Shakuntla Devi [appellant No.4], late Smt. Bishno Devi [appellant No.5] and late Sh. Raghunath Singh [appellant No.7], respectively, are allowed, subject to all the just exceptions.

CMs stand disposed of.

CM-2082-CI-2020 in RFA-883-2020

CM-2963-CI-2021 in RFA-1405-2021

CM-2753-CI-2021 in RFA-1205-2021

CM-2230-CI-2020 in RFA-1010-2020

CM-2111-CI-2020 in RFA-905-2020

CM-2120-CI-2020 in RFA-927-2020

CM-2112-CI-2020 in RFA-906-2020

These appeals have been preferred along with the applications
with a prayer to condone the delay of more than 4300 days.

The Reference Court decided the matter by a common judgment dated 17.01.2008. Various other landowners filed appeals before this Court which were decided on 17.02.2016. These appeals were filed in February, 2020. It has been asserted that the appellants are rustic villagers so they gave the power of attorney to a clerk working in Pathankot, who assured them that the appeal shall be filed within due time. It has been asserted that when similarly situated persons (various other landowners) were paid the enhanced compensation, the appellants have come to know that the appeals on their behalf were never filed by the clerk to whom they had given their power of attorney.

The learned counsel representing the appellant relies upon the judgment of the Supreme Court in **Dhiraj Singh (D) through Lrs Vs. Haryana State and others, (2014) 14 SCC 127**, to contend that the approach of the Court has to be pragmatic and not pedantic.

The Limitation Act, 1963, is a statute of repose. Undoubtedly, Section 5 of the Limitation Act, 1963, do enable the Courts to extend the period of limitation for filing an appeal or application if the appellants show sufficient cause which is a *sine qua non* for condonation of such delay in filing. It applies with all its rigour to the Land Acquisition Act, 1894, as well. The appellants have neither disclosed the name of the clerk working in Pathankot to whom the power of attorney was given nor they have disclosed any other specific detail. They have slept over the matter i.e. their rights for approximately 12 years. The appeals filed by co-villagers were decided in February, 2016. Even then, the appellants did not wake up from their deep slumber. The appellants have not disclosed the date, month or year as to

when the compensation was paid/disbursed to the other co-villagers. The assertions made in the applications are vague and out of context. This Court has carefully read the order passed in **Dhiraj Singh's case (supra)**. In the aforesaid case, the appellants due to their weak financial capacity, could not file the Letter Patent Appeal. Subsequently, when they filed the appeal, the Court refused to condone the delay caused in filing the appeal. The aforesaid case has been decided on the facts of this particular case. It has nowhere been laid down in that case, that without looking for a sufficient cause and reason, the Court must condone the delay irrespective of plausibility of the sufficient cause put forth while seeking condonation of colossal delay of approximately 12 years. With greatest respect, the judgment in **Dhiraj Singh's case (supra)** is based on the facts of the aforesaid case.

Keeping in view the aforesaid facts, the appellants have failed to make out a case for condoning the huge delay.

Consequently, the applications as well as the appeals are dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

July 04th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*