

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

**CR No.1339 of 2020 (O&M)
Date of Decision: 07.07.2022**

Harnam Singh

.....Revisionist-petitioner.

Versus

Mohinder Kaur and others

.....Respondents.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Ms. Kiranjeet Kaur, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant revision-petition, the petitioner (here-in-after to be referred as 'the defendant') assails the order dated 05.08.2019 (Annexure P-5) handed down by learned Additional District Judge, Fazilka, (for short, 'the lower appellate Court') whereby the application moved by him (defendant) for seeking condonation of the delay in filing the first appeal against the judgment and decree dated 18.07.2017 (Annexure P-1) passed by learned Additional Civil Judge (Senior Division), Fazilka, (for short, 'the trial Court') has been dismissed along-with the main appeal.

2. Shorn and short of unnecessary details, the facts culminating in the filing of the present revision petition, are that the respondents-plaintiffs (here-in-after to be referred as 'the plaintiffs') filed a civil suit

against the defendant for seeking a decree for the recovery of a sum of Rs.92,880/- which was decreed vide the judgment and decree Annexure P-

1. The defendant preferred an appeal to lay challenge to the same and also moved application Annexure P-3 for seeking condonation of the delay in filing the said appeal but vide the impugned order (Annexure P-5), the lower appellate Court dismissed the above-said application as well as the main appeal.

3. I have heard learned counsel for the petitioner-defendant in this revision petition and have also perused the file carefully.

4. Learned counsel for the petitioner-defendant contends that the defendant is a poor person and therefore, he could not arrange for the funds so as to affix the proper court-fee on the appeal and moreover, the certified copies of the judgment and decree, as intended to be impugned by way of the said appeal, which were obtained initially, got misplaced and therefore, the defendant had to procure the certified copies thereof afresh and in these circumstances, the afore-said delay on his part in filing the first appeal is unintentional and *bona-fide* one and deserve to be condoned and it being so, the impugned order be set-aside.

5. However, the above-raised contention is devoid of any merit because the judgment and decree Annexure P-1 had been passed by the trial Court on 18.07.2017 whereas the appeal, along-with application Annexure P-3, was preferred on 04.08.2018, i.e after more than one year. Mere pleas qua the defendant being a poor person and the certified copies of the said judgment and decree having been mis-placed, do not suffice at

all to plausibly explain the afore-mentioned inordinate delay in filing the appeal.

6. As a sequel to the fore-going discussion, it follows that the impugned order Annexure P-5 does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed accordingly.

July 07, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*