

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

Sr. No.226

**CWP No.6345 of 2020O&M)
Date of decision 20.05.2022**

Chaman Lal and others

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. V.S. Rana, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Raj Karan Singh, Advocate for
Mr. Abhinav Gupta, Advocate
for respondents No. 4 to 6.

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RAJ MOHAN SINGH J. (Oral)

Petitioners have preferred this writ petition for the issuance of a writ in the nature of certiorari for setting aside the order dated 14.01.2020 passed by respondent No.1 and order dated 03.09.2019 passed by respondent No.2, whereby the appeal filed by the petitioners was dismissed on the ground of limitation.

There is some ambiguity in the order dated

08.01.2019 passed by the District Registrar of Societies as the same does not disclose as to whether the proceedings were initiated before the District Registrar against some order passed by his own office. However, the fact remains that the appeal was filed before the State Registrar with a delay of 72 days and the same was dismissed on the premise that against the order dated 08.01.2019 passed by the District Registrar, the appeal was filed on 12.07.2019 and the same was barred by limitation as per Section 79 of the HRRS Act, 2012.

As per requirement of Section 79(3) of the aforesaid Act, the appeal could have been filed within 60 days on the date of passing of the impugned order. The Appellate Authority may also entertain an appeal before the period of limitation maximum of another 60 days on showing sufficient grounds for condonation of delay. In this way, a delay of 72 days over and above the prescribed period of 60 days was not condoned. The said delay was even not condoned by the Registrar General when the appeal was dismissed vide order dated 14.01.2022.

Learned counsel for the petitioner submits that the delay has occasioned as the petitioner did not know the exact days of limitation within which the appeal was to be filed. Learned counsel refers to **Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others, 2013(4) CivCC 399** and **State of Rajasthan and another Vs.**

Bal Kishan Mathur (Deceased) through LRS and others, 2013(4)CivCC 805 to contend that the Courts ought to have adopted a pragmatic approach in dealing with the issue of limitation in appeal. Learned counsel further refers to **Collector, Land Acquisition Anantnag Vs. Mst. Katiji, (1987) 2 SCC 107,** wherein the Hon'ble Apex Court has observed that there cannot be any uniform criteria to assess *bona fide* of the person in explaining each and every hours/minutes and seconds in causing delay. The merits of the case cannot be sacrificed at the threshold of technicalities. Learned counsel also refers to **Lanka Venkateshwaru (Dead) by LRs Vs. State of Andhra Pradesh and others, 2011(4) Supreme Court Cases 363** to contend that delay occasioned due to insufficient inaptitude and negligence of the party can be condoned in a larger interest of justice.

In the instant case, delay is of 72 days and the same is not sufficient to prevent the authorities to decide the *lis* on merits.

In view of above, I deem it appropriate to condone the delay of 72 days in filing the first appeal before the State Registrar. The order dated 03.09.2019 passed by respondent No.2 stands set aside and this case is remanded to the State Registrar of Societies, Haryana. Both the parties are directed to appear before the State Registrar on 01.06.2022. State

Registrar shall proceed to decide the appeal on merits in accordance with law at the earliest.

Disposed of.

20.05.2022
Prince

(RAJ MOHAN SINGH)
JUDGE

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