

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2412 of 2019 (O&M)
Date of decision: 16.11.2022

Gurnam Singh

..Petitioner

Versus

Amarjit Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Balbir Kumar Saini, Advocate
for the petitioner.

Mr. K.R.Dhawan, Advocate
for the respondent.

ANIL KSHETARPAL, J(Oral)

The first appeal filed by the petitioner has been dismissed on the ground of delay as he failed to furnish a plausible explanation for condoning the colossal delay of 564 days in filing the appeal.

The suit for recovery of Rs.3,50,000/- along with pendente lite interest @ 9% per annum and future interest @ 6% per annum was decreed on 20.12.2012. The suit was filed on the basis of a pronote and the receipt executed by the petitioner. While filing the appeal, the petitioner filed application for the condonation of delay of 564 days. It has been asserted that the parties arrived at a settlement in the presence of Gram Panchayat where the respondent agreed not to file any execution petition. No document in support thereof was produced. There is a court judgment and decree against the petitioner. There is a procedure prescribed for entering into a settlement. Once a decree has been passed against the petitioner, he was required to be conscious of this fact. Though, ordinarily the Court is liberal in condoning the delay, however, the delay is nearly 1½ years.

Moreover, the explanation furnished for seeking the condonation of delay is neither plausible nor sufficient.

Hence, no ground to interfere is made out.

Dismissed.

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

November 16, 2022
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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>