

CM-2005-CI-2022 in
CM-5474-CI-2019
in/and
RFA-2181-2019 (O&M)
and connected cases

118 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1.CM-2005-CI-2022
in CM-5474-CI-2019
in/and
RFA-2181-2019 (O&M)

Saran Singh (since deceased) through L.Rs and another

....Appellants

Versus

Union of India and others

..Respondents

2.CM-2006-CI-2022
in/and
RFA-4123-2019 (O&M)

Milkhi Ram and others

....Appellants

Versus

Union of India and others

..Respondents

3.CM-2003-CI-2022
inCM-10547-CI-2019
in/and
RFA-4124-2019 (O&M)

Hans Raj

....Appellant

Versus

Union of India and others

..Respondents

4.CM-2008-CI-2022
inCM-10550-CI-2019
in/and
RFA-4125-2019 (O&M)

Surender Singh

CM-2005-CI-2022 in CM-5474-CI-2019 in/and RFA-2181-2019 (O&M) and connected cases	2
Versus	Appellant
Union of India and others	..Respondents
5.CM-2009-CI-2022 in CM-10553-CI-2019 in/and RFA-4126-2019 (O&M)	
Chattar Singh (since deceased) through his L.Rs	
Versus	Appellants
Union of India and others	..Respondents
6.CM-2004-CI-2022 in CM-10557-CI-2019 in/and RFA-4127-2019 (O&M)	
Kamal Dev Singh and another	
Versus	Appellants
Union of India and others	..Respondents
7.CM-2007-CI-2022 in CM-10560-CI-2019 in/and RFA-4128-2019 (O&M)	
Raghubir Singh and others	
Versus	Appellants
Union of India and others	..Respondents
8.CM-2010-CI-2022 in CM-10563-CI-2019 in/and	

CM-2005-CI-2022 in
CM-5474-CI-2019
in/and
RFA-2181-2019 (O&M)
and connected cases

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RFA-4129-2019 (O&M)

Bhuri Singh (since deceased) through his L.Rs and others

....Appellants

Versus

Union of India and others

..Respondents

**9.CM-2011-CI-2022
in CM-10567-CI-2019
in/and
RFA-4130-2019 (O&M)**

Ranjit Singh (since deceased) through his L.Rs and others

....Appellant

Versus

Union of India and others

..Respondents

Date of decision: 19.05.2022

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S.Manhas, Advocate for the applicants-appellants
Mr. Arun Gosain, Advocate for the respondents-UOI

ANIL KSHETARPAL, J (Oral)

The present appeals have been preferred alongwith an application for condoning the delay of more than 4000 days. The claimants have asserted that they did not have funds to engage a counsel to file an appeal. It is evident that the delay is approximately 12 years. The landowners were paid compensation as assessed by the Land Acquisition Collector and also the enhanced amount as ordered by the Reference Court on 17th July, 2007. The appellants have not chosen to disclose as to when the aforesaid payments were received by the

appellants. It is also evident that various appeals filed by the co-villagers for enhancement of the compensation came to be decided on 17th February, 2016. The appellants still did not file the Appeal.

Keeping in view the aforesaid facts, it is evident that the appellants have failed to disclose sufficient reasons for not filing the appeal for such a long time.

Learned counsel representing the appellants relies upon the judgements passed in Imrat Lal and others vs. Land Acquisition Collector and others (SC) 2015 (2) RCR (Civil) 437, Dhiraj Singh (Deceased) through Lrs vs. Haryana State and others, 2015 (2) RCR (Civil) 507 and Jethu Ram (Deceased) through L.Rs vs. Union of India and others, 2016(4) Law Herald 312 to contend that the delay can be condoned by denying the interest for the delayed period.

This Court has carefully read the various judgements passed by the Supreme Court and examined the matter in detail in RFA-673-2021 has held as under:-

*“5. Now, the question, which arises is as to whether the Court should condone the delay without looking into the reasons given in the application? The 1963 Act is a statute of repose. The Act provides that the appellant is required to explain sufficient cause for delay in filing the appeal. No doubt, the Supreme Court has held in various judgments including the judgment in **Ningappa Thotappa Angadi** (supra) that efforts must be made to condone the delay in order to do substantive justice. However, at the same time, it is also the duty of the appellant to make out a case for condoning the delay. The Court cannot be expected to condone the delay without looking into the sufficiency of the cause shown. To show sufficient cause, the appellant*

is required to give reasonable and plausible explanation. He is also expected to show that the delay is not due to his negligence or inaction. Further, he is also required to show that his conduct does not suffer from malafides.

6. *At this stage, it is important to examine the relevant case laws. In **Balwant Singh (Dead) v. Jagdish Singh and Others (2010) 8 SCC 685**, while examining the application for condoning the delay in the application for bringing on legal representatives, it was held as under :-*

“26. The law of limitation is a substantive law and has definite consequences on the right and obligation of a party to arise. These principles should be adhered to and applied appropriately depending on the facts and circumstances of a given case. Once a valuable right, as accrued in favour of one party as a result of the failure of the other party to explain the delay by showing sufficient cause and its own conduct, it will be unreasonable to take away that right on the mere asking of the applicant, particularly when the delay is directly a result of negligence, default or inaction of that party. Justice must be done to both parties equally. Then alone the ends of justice can be achieved. If a party has been thoroughly negligent in implementing its rights and remedies, it will be equally unfair to deprive the other party of a valuable right that has accrued to it in law as a result of his acting vigilantly.

27. The application filed by the applicants lack in details. Even the averments made are not correct and ex-facie lack bona fide. The explanation has to be reasonable or plausible, so as to persuade the Court to believe that the explanation rendered is not only true, but is worthy of exercising judicial discretion in favour of the applicant. If it does not specify any of the enunciated ingredients of judicial pronouncements, then the application should be

dismissed. On the other hand, if the application is bona fide and based upon true and plausible explanations, as well as reflect normal behaviour of a common prudent person on the part of the applicant, the Court would normally tilt the judicial discretion in favour of such an applicant. Liberal construction cannot be equated with doing injustice to the other party.

28 to 33 XXXX XXXX

34. Liberal construction of the expression 'sufficient cause' is intended to advance substantial justice which itself presupposes no negligence or inaction on the part of the applicant, to whom want of bona fide is imputable. There can be instances where the Court should condone the delay; equally there would be cases where the Court must exercise its discretion against the applicant for want of any of these ingredients or where it does not reflect 'sufficient cause' as understood in law.

35. The expression 'sufficient cause' implies the presence of legal and adequate reasons. The word 'sufficient' means adequate enough, as much as may be necessary to answer the purpose intended. It embraces no more than that which provides a plentitude which, when done, suffices to accomplish the purpose intended in the light of existing circumstances and when viewed from the reasonable standard of practical and cautious men. The sufficient cause should be such as it would persuade the Court, in exercise of its judicial discretion, to treat the delay as an excusable one. These provisions give the Courts enough power and discretion to apply a law in a meaningful manner, while assuring that the purpose of enacting such a law does not stand frustrated".

The Supreme Court does not lay down that irrespective of

sufficient explanation or not, the delay must be condoned. The Limitation Act, 1963, is a statute for repose. It confers a right in favour of other party.

Section 5 of the Limitation Act, 1963 provides that the delay can be condoned only if sufficient explanation, which is plausible, is furnished. In the present case, the appellants have failed to furnish any plausible explanation. In view thereof, the applications for condonation of delay as well as the appeals stand dismissed.

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

19.05.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE