

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

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**CR-1443 of 2021
Date of Order: 02.05.2022**

The Deputy Inspector General of Police and others

..Petitioners

Versus

Kamla Devi and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajiv Verma, Advocate, for the petitioners.
Mr. Ram Darshan Yadav, Advocate, for respondent no.1 & 2
Mr. Neeraj Yadav, Advocate, for respondent no.3.

ANIL KSHETARPAL, J(Oral)

The First Appellate Court while taking extremely narrow view of the matter has dismissed the appeal while refusing to condone the delay of 110 days. The right of first appeal is an important statutory right available to the party to request the Appellate Court to re-appreciate the evidence.

While issuing notice of motion on 03.08.2021, the following order was passed:-

“Inter-alia submits that 110 days' delay has not been condoned and the lower Appellate Court failed to exercise jurisdiction vested in it by law. It is submitted that there is no negligence, inaction or lack of bona fide and the judgments, as such, referred to pertain to inordinate delay. It is submitted that each and every days delay is not liable to be explained and a liberal construction has to be given especially when State Bodies, as such, are dealing with the file which has to be dealt with at various ends.

*Notice of motion for 03.09.2022.
Dasti process.”*

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book and the orders passed by the courts below.

It has been correctly noticed by this Court in the order dated 03.08.2021, that the Court while considering the application for condonation of delay is required to take a holistic view of the matter. While seeking explanation for condoning the delay, the applicant is not required to explain delay of every day.

Due to the lengthy procedure prescribed by the Government, the appeals filed by the Government or the State Bodies, are required to be given some extra indulgence.

Keeping in view the aforesaid facts, the order under challenge is set aside. The appeal is restored to its original number before the First Appellate Court.

The First Appellate Court is requested to make a sincere attempt for the expeditious disposal of the appeal preferably within a period of 3 months positively, from today.

The parties through their counsels are directed to appear before the First Appellate Court, on 20.05.2022.

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

May 02, 2022

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(ANIL KSHETARPAL)
JUDGE

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