

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

CR-4309-2022

Date of decision : 10.10.2022

Jawahar Singh

...Petitioner

Vs.

Jagjeet Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Namit Gautam, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner is aggrieved against the order dated 25.08.2022 (Annexure P-5), whereby the first appellate Court while entertaining the appeal filed by the Jagjit Singh (appellant), accepted his application seeking condonation of delay of three months in filing the appeal.

Learned counsel contends that the appellate Court is not justified in exercising the jurisdiction as the appellant failed to explain each and every day's delay in filing the appeal. He submits that the impugned judgment and decree was passed by the trial Court on 01.05.2019 and the appeal was filed much beyond the limitation period on 23.09.2019, therefore, the interference is warranted by this Court.

After hearing the learned counsel and considering the material on record, this Court finds that the application filed by appellant under Section 5 Limitation Act, 1963 reveals that the certified copy of the judgment and decree dated 01.05.2019 was prepared on 27.05.2019, which was delivered to the applicant on 29.05.2019. As per the averment

in the application, the appellant being NRI was in consultation with his brother, who had misplaced this certified copy of the judgment and decree, which was later on found on 22.09.2019, whereupon the appeal was filed.

A perusal of the application shows that the appellant/applicant has sufficiently explained the delay in filing the appeal and the first appellate Court has examined the background of the case carefully while rejecting the objection raised by the petitioner. The impugned order does not suffer from any illegality or impropriety, thus, does not call for any interference by invoking superintendence powers under Article 227 Constitution of India.

Dismissed.

(MANOJ BAJAJ)
JUDGE

10.10.2022

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No