

333-A

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

C.R NO. 493 OF 1992 (O&M)

DATE OF DECISION: 20.04.2023

Pehlad (died) through LR's and others ...Petitioners

Versus

Gram Panchayat, Yadupur and another ...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Puneet Jindal, Senior Advocate with
 Mr. K. S. Malik, Advocate,
 For the petitioners.

Mr. Varun Prakash, Advocate,
For respondent No.1.

ARUN MONGA, J. (ORAL)

Petition herein is for setting aside impugned order dated 15.01.1992 (Annexure P-4) passed by learned Additional District Judge, Faridabad, whereby two applications filed by defendant No.1/respondent No.1 herein; one for condonation of delay of more than three months in filing the first appeal, and second, for leading additional evidence, were allowed.

2. Learned senior counsel for petitioners submits that both the applications were allowed by the learned Additional District Judge without application of mind.

2.1 Learned senior counsel would further contend that application for condonation of delay of more than three months was filed on the ground that when newly elected Sarpanch Bhim Singh came to know about the pendency of case, he immediately consulted the lawyer and moved application. The observation of learned Additional District Judge that old

Sarpanch was thick with the plaintiffs is against law as the newly elected Sarpanch was member of the Gram Panchayat when the case was pending before learned Sub Judge First Class, Palwal and learned Sub Judge after going through the reply filed on behalf of Gram Panchayat, observed that on the basis of reply, the suit has been contested tooth and nail and hence, observation made by learned Additional District Judge is totally untenable.

2.2 Learned senior counsel for petitioners would further argue that another application moved by the defendant No.1 was for leading additional evidence which was also allowed without appreciating the facts available on record.

3. Per contra, learned counsel for respondents though appears out of professional courtesy states that he is unable to assist this Court as he has lost contact with his clients and pleads no instructions.

4. Heard.

5. Impugned order dated 15.01.1992 passed by learned Additional District Judge, Faridabad is premised *inter alia* on the following reasoning:

“ There are two applications in this appeal filed by the appellant which are to be disposed of before the merits of appeal are taken up. One application is for condonation of delay. There is delay of more than three months in filing of appeal. The reason for this given is that the previous Sarpanch was thick with the plaintiffs and colluded with the plaintiff-respondents in securing the decree in their favour and concealed the fact when handing down the charge on election of new Sarpanch. It is contended that after the new Sarpanch Bhim Singh came to know of it, he consulted the lawyer and arranged for filing of the appeal and a resolution to this effect was passed. It appears to me that the law concerning condonation of delay has to be liberally interpreted. I accordingly, condone the delay in filing the appeal.

The second application is for additional evidence. It is stated that for the same reason, the documents have to be brought on the file to satisfy the Court about the delay resulting from the clandestine act of the former Sarpanch Raghbir Singh in supporting the plaintiff-respondents. Sh. R. K. Goel, Adv., cl. for respondents opposed. He stated that the documents were in existence during trial also. I don't think if these documents have much to do with the trial. These appear to relate to handing over of charge by former Sarpanch and his

relationship with the plaintiff-respondents. I, accordingly, accept this application and permit the adducing of the three documents mentioned in the application in additional evidence.

xxx”

6. To my mind, there is no irregularity either in facts or in law in the passing of impugned order so as to exercise extraordinary revisional jurisdiction vested with this Court. The contentions raised herein were also raised before the learned Additional District Judge and were rightly repelled giving cogent and convincing reasons.

7. There is, thus, no room for interference in the aforesaid valid reasons recorded by learned trial Court, with which I am in agreement. No grounds for interference are made out.

8. Dismissed.

9. Pending application(s), if any, shall also stand disposed of.

APRIL 20, 2023
Shalini

(ARUN MONGA)
JUDGE

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