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223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1104-2017

Date of Decision: 28.04.2023

Darshan Singh

..... Petitioner

Versus

Surjit Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. P.K.S.Phoolka, Advocate,
for the petitioner.

Mr. Siddharth Gupta, Advocate,
for the respondent.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Article 227 of the Constitution of India praying for setting aside the impugned order dated 16.11.2016 passed by the Additional Judge, Bathinda, whereby the application filed under Section 5 of the Limitation Act for condonation of delay in filing the appeal filed by the petitioner, has been dismissed, as well as, the impugned judgment and decree dated 12.10.2010 (Annexure P-2) passed by the Additional Civil Judge (Senior Division), Bathinda, whereby the suit of the respondent was decreed.

The findings are recorded by the Court below; and it is also clear from the record, that the judgment and decree were passed by the Trial Court on 12.10.2010. Even, as per the assertions made by the petitioner before the lower Appellate Court, it had come to know of the factum of the judgment and decree having been passed, within a period of six months

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thereafter. However, still the appeal was filed before the lower Appellate Court on 02.05.2014. There is no plausible explanation for this unreasonable delay.

In view of the above, this Court does not find any ground to interfere with the order passed by the Court below. Hence, the present petition is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

28.04.2023
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No