

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

116

2023:PHHC:113514

CR-3350-2017

Date of decision: 29.08.2023

KRISHNA DEVI

..Petitioner

Versus

**SHRI RAM (DECEASED) THROUGH
LRS. AND ORS.**

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vishal Aggarwal, Advocate
for the petitioner.

Mr. Ajit Kumar Sharma, Advocate
for Mr. R.D. Yadav, Advocate
for respondent No.6.

ANIL KSHETARPAL, J(Oral)

1. Through this revision petition filed under Article 227 of the Constitution of India, the petitioner prays for setting aside order dated 07.12.2016 passed by the First Appellate Court while dismissing the application filed by her to seek condonation of delay of 4 years, 10 months and 9 days in filing the appeal.

2. The First Appellate Court has noticed that the petitioner appeared through counsel in the suit but subsequently absented herself. The suit was decreed ex parte on 07.09.2006. Thereafter, she challenged the mutation proceedings before the revenue authorities, wherein she failed. Thereafter, she filed an application under Order IX Rule 13 of the Code of Civil Procedure, 1908, which was also dismissed. After availing all the other remedies, she chose to file the first appeal before the First Appellate Court. The Court has noticed that she has failed to furnish any sufficient explanation to condone the colossal delay.

3. Though, the learned counsel representing the petitioner has vehemently argued that the impugned order is liable to be set aside, however, the First Appellate Court has recorded the detailed reasons to dismiss the application. It has been noticed that the lawyer engaged by the petitioner has appeared as RW-3 and deposed that the petitioner has engaged him. Moreover, the appeal was filed after availing the remedy before the revenue authorities as well as application under Order IX Rule 13 of the Code of Civil Procedure, 1908.

4. Hence, no ground to interfere is made out.

5. Dismissed.

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

August 29th, 2023

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**(ANIL KSHETARPAL)
JUDGE**

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