

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

**CM-11984-C-2019, CM-11985-C-2019 and CM-
11986-C-2019 in/and RSA-4275-2019
Date of Decision: August 01, 2023**

PUNJAB AGRO FOOD GRAINS CORPORATION LTD
Applicant/Appellant
Versus
PIRTHI SINGH THRU HIS LRS Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Karan Singla, Advocate for applicant-appellant.

HARKESH MANUJA, J. (ORAL)

CM-11985-C-2019

This is an application for seeking condonation of delay of 132 days in refilling the appeal.

I have gone through the contents of application which make out sufficient cause for condoning the delay in refilling the appeal. Accordingly, the prayer made in the application is allowed and delay of 132 days in refilling the appeal is hereby condoned.

CM-11984-C-2019

This is an application seeking condonation of delay of 1751 days in filing the appeal.

In the present case, challenge has been laid to the judgments and decrees dated 15.06.2011 and 28.10.2013 passed by the Courts below whereby a suit for recovery of damages filed at the instance of appellant-plaintiff against respondent-defendant was dismissed by the Courts below. Relevant para from the application filed under Section 5 of the Limitation Act is reproduced hereunder:-

“That for the delay caused appropriate departmental action is also being taken against the District Manager, PAFC, Bathinda who has failed to watch the

interest of the appellant Corporation and a show cause notice dated 27.02.2018 has also been issued against him, hence the delay cause. “

A perusal of the contents of application show that the factum of passing of the judgment and decree dated 28.10.2013 was well within the knowledge of the officers of the appellant-plaintiff corporation and no plausible reason has been mentioned therein while seeking condonation of inordinate and unexplained delay of 1751 days in filing the appeal which merely appears to be an afterthought. As per the averments made in the application, show cause notice was issued to the concerned officials for causing delay on 27.02.2018, still the appellant took nine months in filing the present appeal which clearly shows lack of bona fide in its action. Still further, the present application and appeal were filed in November 2018, however, nothing has been brought on record to show any action taken against the negligent officials so as to substantiate the stand taken in the application.

In the absence of there being any reasonable explanation given in the application, besides the fact that the defendant has even expired during this period, I am unable to accept the prayer as regards condonation of delay of 1751 days in filing the appeal.

Moreover, a perusal of the judgments and decrees passed by the Courts below reflect that the appellant-plaintiff has been non-

suited on account of the fact that the evidence led on its behalf was primarily the Photostat copies of the records which was otherwise inadmissible in evidence. Though, the abovementioned documents were taken on record as Exhibits, however, mere exhibiting a document does not amount to its proof and in the absence of there being any application or prayer for leading secondary evidence, the same were rightly discarded and not relied upon by the Courts below.

In view of the above, finding no merits in the application, the same is dismissed.

MAIN CASE

Since, the application for condonation of delay is dismissed, therefore the main appeal also stands dismissed.

01.08.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>