

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 4928 of 2018****Date of Decision: 08.12.2023**

Jagjit Singh

... Petitioner(s)

Versus

Gram Panchayat, Village Jaipura, Tehsil Payal, District Ludhiana and

Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Harish Goyal, Advocate
for the petitioner(s).Mr. Rajshekhar, Advocate
for Mr. Manik Makkar, Advocate
for the respondents.**Anil Kshetarpal, J.**

1. This revision petition has been filed to challenge the correctness of the order passed by the First Appellate Court on 10.05.2018.

2. The First Appellate Court, vide impugned order, has refused to condone the delay of 712 days in filing the appeal. It has been found that though the petitioner asserted that he came to know of the decision of the trial Court a day before filing of the appeal, however, in the cross-examination, he admitted that he came to know of the decision in the month of November, 2014, whereas the suit was decided on 28.07.2014. The first appeal was filed on 08.08.2016. Thus, the Court below has held that the petitioner has failed to furnish fresh reasons for not filing the appeal within the prescribed period of limitation. The correctness of the aforesaid order

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has been challenged in this revision petition.

3. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper-book.

4. The learned counsel representing the petitioner contends that a mutual settlement has been arrived at between the parties in the month of November 2014, therefore, the appeal was filed in the year 2016 with an application for condonation of delay.

5. The dispute, in this case, is with regard to the passage. On a court question, the learned counsel representing the petitioner has failed to draw the attention of the Court to any resolution passed by the Gram Panchayat authorizing the alleged mutual settlement. Moreover, if the petitioner wishes to enforce the alleged mutual settlement dated 28.11.2014, he may avail the alternative remedy. There is total absence of fresh reasons to condone the delay of more than two years.

6. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

December 08, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No