

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

**RSA No.3508 of 2023 (O&M)
Date of Decision: 08.11.2023**

Ant Kumari

...Appellant

Versus

Rachpal Singh

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Varlin Garg, Advocate,
Legal Aid Counsel for the appellant.

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MEENAKSHI I. MEHTA, J.(ORAL)

CM No.12536-C of 2023

By way of this application, the applicant-appellant-defendant (for short 'the applicant-appellant) has prayed for condonation of the delay of 709 days in filing the appeal bearing **RSA No.3508 of 2023**, while averring that she had applied to the Competent Authority for availing the free legal aid/services for filing the appeal to lay challenge to the judgment and decree passed by the trial Court on 30.03.2016 and also to assail the judgment and decree handed down by the lower appellate Court on 02.09.2021 and then, Mr. Shail Sharma, Advocate, had been deputed for the afore-said purpose and though, he had filed the appeal on 10.11.2022 but the Registry raised some objections in respect thereof. In the meantime, the above-named Legal Aid Counsel, unfortunately, expired and when she came to know about this fact, she applied for availing the services of another counsel and the newly deputed counsel has filed the appeal and thus, the afore-said delay in filing the same, is not intentional and hence, the same deserves to be condoned.

I have heard learned Legal Aid counsel for the applicant-appellant on the present application and have also perused the file carefully.

It is pertinent to mention here that throughout in this application, the applicant-appellant has neither disclosed the date of the death of her above-named previously deputed counsel nor the date of her having got the knowledge about his demise. Both these facts could and would have been the most material and crucial factors to facilitate this Court in adjudicating the instant application. In these circumstances, the delay of as many as 709 days has to be construed to be an inordinate one because the same does not stand plausibly and justifiably explained by the applicant-appellant.

As a sequel to the fore-going discussion, it follows that the present application, being *sans* any merit, deserves dismissal. Resultantly, the same stands dismissed.

RSA No.3508 of 2023
CM No.12537-C of 2023
CM No.12538-C of 2023

Consequent upon the dismissal of the afore-referred application as moved by the applicant-appellant for seeking condonation of the delay in filing the appeal, it becomes explicit that the appeal in hand also deserves dismissal on the ground of its being hopelessly time barred. It being so, this appeal as well as both the above-indicated Miscellaneous Applications stand dismissed accordingly.

08.11.2023
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No