

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

107

CR-6098-2022

Date of decision : 24.01.2023

Ramesh Kumar

... Petitioner

Versus

Parveen Kumar

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Atul Goel, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 14.11.2022 (Annexure P-6) whereby the application for condonation of delay in filing the rent appeal has been dismissed.

Learned counsel for the petitioner submits that there were sufficient grounds to condone the delay in filing the appeal. The counsel, who was representing the applicant (petitioner herein) had cleared the PCS (Judicial) examination and therefore, the appeal could not be filed within the period of limitation. He also submits that the petitioner had already vacated the premises but he had been directed to pay rent for the period when he was not in occupation of the premises.

Heard.

The petition under Section 13 of the East Punjab Urban Rent Restriction Act for eviction of the petitioner/tenant had been preferred by the respondent/landlord on the ground of *bonafide* necessity and non-payment of rent. The petition had been allowed on 04.07.2018 (Annexure P-1). The petitioner had applied for the certified copy of the order on 30.08.2019 which

was delivered to him on 03.09.2019. The petitioner had been represented by a counsel and the order for ejectment had been passed after hearing the counsel for the parties herein. There is a delay of 411 days in preferring the appeal.

I do not find any merit in the contention of the counsel for the petitioner that as the counsel engaged by the petitioner before the Courts below was selected in PCS (Judicial) examination, he could not pursue the matter. In response to a query of this Court as to when the counsel was selected in the PCS (Judicial) examination, learned counsel submits that he was selected in the year 2019. The period of limitation had already expired in the year 2018 and therefore, I do not find any sufficient ground to condone the delay in filing the appeal. It is true that each day's delay needs not to be explained but it is enjoined on the petitioner to make out sufficient cause for not filing the appeal within the period of limitation. In the attending facts and circumstances, sufficient cause for delay is not borne out.

Consequently, I do not find any infirmity in the impugned order dismissing the application for condonation of delay and the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

January 24, 2023
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No