

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

**RSA No.3438 of 2018 (O&M)
Date of Decision: 09.11.2023**

Karan Singh

.....Appellant

Versus

The Municipal Council, Rewari through its President and others

.....Respondents

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

Present:- Mr. Arvind Kumar Yadav, Advocate
 for the appellant.

MEENAKSHI I. MEHTA, J. (Oral)

CM No.9125-C of 2018

By way of this application, the applicant-appellant-plaintiff (for short 'the applicant-appellant') has prayed for condonation of the delay of 936 days in filing the appeal, while averring that the impugned judgment and decree had been passed by the lower appellate Court on 22.07.2014 but he remained under the impression that no statutory remedy was available to him to challenge the same. However, on 09.05.2017, the respondents-defendants had tried to dispossess him from the suit property and then, he contacted the counsel, who had been representing him in the Courts below and he (counsel) suggested to file the appeal and thus, the afore-mentioned delay on his (applicant-appellant's) part is not intentional.

2. I have heard learned counsel for the applicant-appellant on the present application and have also gone through the file carefully.

3. From the perusal of the file, it transpires that the suit filed by the applicant-appellant for seeking decree for permanent injunction against the respondents-defendants, had been dismissed by the trial Court vide the judgment and decree as passed on 22.10.2011 and the appeal filed by him (applicant-appellant) to lay challenge to the same, has also been dismissed vide the above-said judgment and decree dated 22.07.2014.

4. Though the applicant-appellant has tried to explain the afore-referred delay, by pleading that he was not aware of the remedy of filing the appeal to assail the judgments and the decrees passed by the lower Courts but this explanation on his part, does not hold any water because it is well-settled that the '*ignorance of law is no excuse*'. Even otherwise, as per his own above-mentioned version, the respondents-defendants tried to dispossess him from the suit property and then, he (applicant-appellant) had contacted his counsel in the Courts below and has filed the appeal on his (counsel's) advice, meaning thereby that he was duly represented by the counsel in the Courts below and it being so, he could have promptly and easily consulted his counsel qua the legal remedy as could be available to him on the dismissal of his appeal but he woke up from the deep slumber only when the respondents-defendants allegedly attempted to dispossess him from the suit property and in these circumstances, it becomes crystal clear that the applicant does not deserve the concession of condonation of the afore-said delay on his part, in filing the appeal.

5. 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.3438 of 2018

CMs No.9123-C, 9124-C & 9126-C of 2018

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

November 09, 2023

Yag Dutt

**(MEENAKSHI I. MEHTA)
JUDGE**

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