

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

CR No. 4681 2018

Date of decision: 08.02.2023

Ranjit Singh

..... Petitioner.

Versus

State Bank of Patiala

.... Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Raman Mohinder Sharma, Advocate, for the petitioner.

Mr. Mahesh Dheer, Advocate, for the respondent.

ANUPINDER SINGH GREWAL, J. (ORAL)

This petition is directed against the order dated 03.04.2018 passed by the Additional District Judge, Sangrur, whereby application of the petitioner for condonation of delay in filing the appeal has been dismissed.

Learned counsel for the petitioner submits that the respondent-bank had filed a suit for recovery against the petitioner although he was working as a Supervisor and the money, which had been deposited in the bank, had been paid to the labourers. He had a good case on merits, but the trial Court has erroneously decreed the suit for recovery preferred by the respondent-bank. The petitioner had earlier met with an accident and had remained admitted in hospital. He had suffered fractures in his leg and ankle besides other injuries and, therefore, the delay in filing the appeal is neither intentional nor deliberate.

On the contrary, learned counsel for the respondent-bank submits that the petitioner had availed several opportunities, but he did not even depose before the trial Court and his evidence had been closed. The

petitioner was negligent in not preferring the appeal within limitation. The petitioner has not been able to sufficiently explain the delay and, therefore, the impugned order is in accordance with law.

Heard.

The respondent-bank is stated to have filed a suit for recovery of ₹8,29,757/-. It is a matter of record that the petitioner did receive injuries in an accident and had remained admitted in hospital, as he had suffered fractures in his leg and ankle. It is true that the petitioner had time after his discharge from the hospital to file an appeal, but he did not do so. Nevertheless the petitioner had been injured and had to undergo surgery in a hospital. The application for condonation of delay appears to be *bona fide*. It would be in the interest of justice, equity and fair play if the delay in filing the appeal is condoned and the appeal be heard and decided on merits. It has been held by the Supreme Court in the case of **S. Ganeshwaraju (D) Lrs. and another v. Narasamma (D) Thr. LRs. and others**, (2013) 11 SCC 341, that Courts ought to adopt a liberal approach in condoning the delay in filing the appeal and the matter should be heard and decided on merits unless there is *mala fide* in not approaching Court within the period of limitation.

Consequently, the petition is allowed and the impugned order dated 03.04.2018 passed by the Additional District Judge, Sangrur, is set aside. The delay in filing the appeal shall stand condoned. The Appellate Court would consider and decide the appeal on merits in accordance with law.

(ANUPINDER SINGH GREWAL)
JUDGE

08.02.2023
Ramesh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No