

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RSA No.262 of 2024 (O&M)

Date of Decision: 31.01.2024

Balwinder Kaur

...Appellant

Versus

Balkar Singh and others

...Respondents

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

Present:- Mr. Pankaj Kalia, Advocate
 for the applicant-appellant

MEENAKSHI I. MEHTA, J. (Oral)

CM No.924-C of 2024

By way of the instant application, the applicant-appellant (here-in-after to be referred as 'the applicant') has sought condonation of the delay of 3110 days in filing the Appeal bearing **RSA No.262 of 2024**.

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

3. Learned counsel for the applicant contends that the first Civil Appeal, as filed by the applicant and proforma-respondent No.8 to assail the judgment and decree passed by the trial Court, had been dismissed by the Lower Appellate Court vide the judgment and decree dated 22.04.2015 but the applicant, who is an old ailing lady, came to know about this fact in the year 2019 and then, she filed a Miscellaneous Application in the afore-referred appeal, which was dismissed on 25.02.2021 and thereafter, due to the outbreak of Pandemic Covid-19, she could not contact her counsel and

thus, the above-said delay on her part in filing the appeal, is not intentional and hence, it deserves to be condoned.

4. However, as regards the plea of the applicant qua her having come to know about the judgment and decree dated 22.04.2015 in the year 2019, the same is not plausible at all because in normal course of events, no prudent litigant can be expected to remain oblivious of the proceedings and the outcome of the *lis* initiated by/against him/her, for a period as long as almost 04 (four) years.

5. Then, the afore-referred Application, filed by the applicant in the above-said first appeal, had been dismissed on 25.02.2021 but she has moved the instant application, along-with the main appeal, on 18.01.2024, i.e after about (03) years. It being so, her plea regarding her inability to contact her counsel due to the outbreak of Pandemic Covid-19, does not come to her aid to justify the afore-mentioned delay. To add to it, she has not placed any material on the file to establish that throughout during the interregnum from 25.02.2021 till the filing of this application and the appeal, she had remained confined to the bed due to illness. In these circumstances, it becomes explicit that the above-referred delay does not stand justifiably explained and rather, it can safely be construed to be an inordinate one.

6. In view of the fore-going discussion, the present application, being bereft of any merit, stands dismissed.

RSA No.262 of 2024 and
CMs No.925-C and 926-C of 2024

Consequent upon the dismissal of the afore-said application as moved by the applicant-appellant for seeking condonation of the delay in filing

the instant appeal, it follows that this appeal also deserves dismissal on account of its having become hopelessly time-barred. Resultantly, the appeal in hand as well as the above-indicated Miscellaneous Applications stand dismissed accordingly.

31.01.2024

pooja

(MEENAKSHI I. MEHTA)

JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*