

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

RSA No.1202 of 2021 (O&M)

Date of Decision: 10.01.2024

Lal Chand

.....Appellant

Versus

Charan Dass and another

.....Respondents

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

Present:- Mr. Bhupinder Kumar Gupta, Advocate
 for the LR of the appellant.

MEENAKSHI I. MEHTA, J. (Oral)

CM No.5116-C of 2021

By way of the instant application, the applicant-appellant-plaintiff (since deceased and now, represented through his LR who shall here-in-after be referred as 'the applicant') has sought condonation of the delay of 1270 days in filing the appeal bearing **RSA No.1202 of 2021**.

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

3. Learned counsel for the applicant contends that the applicant could not file the afore-referred appeal within the prescribed period of limitation as he did not get proper advice regarding the availability of this remedy to him, for assailing the judgments and decrees passed by the trial Court and the Lower Appellate Court and he came to know about the same in March, 2020 but then, there was an outbreak of Pandemic Covid-19 and

therefore, he could file the said appeal in February, 2021 only and thus, the above-mentioned delay in filing the same, is not an intentional one and hence, the same deserves to be condoned.

4. However, the afore-raised contention does not hold any water because the Suit filed by the appellant-plaintiff against the respondents-defendants, had been dismissed by the trial Court vide the judgment and decree dated 24.12.2015 and the first appeal, as preferred by him to lay challenge to the same, had also ended in its dismissal, vide the judgment and decree handed down by the Lower Appellate Court on 11.05.2017 and thus, a period of almost 02 years and 10 months had already lapsed when the above-said Pandemic hit the mankind in March, 2020, meaning thereby that the prescribed period of limitation for filing the appeal stood expired much prior thereto. Further, mere plea of the applicant qua his having not been given the proper advice to file the appeal in this Court, can, by no stretch of imagination, be construed to be a cogent, justifiable and plausible ground to condone the afore-mentioned delay in filing the appeal.

5. As a sequel to the fore-going discussion, this Court is of the considered opinion that the above-referred delay on the part of the applicant-LR of the appellant in filing the appeal, can safely be termed as an inordinate one and therefore, the same does not deserve to be condoned. Resultantly, the application in hand stands dismissed.

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

delay in filing the appeal, it follows that the instant appeal also deserves dismissal on the ground of its being hopelessly time-barred. It being so, the above-mentioned Regular Second Appeal stand dismissed accordingly.

January 10, 2024

Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No