

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR No.1061 of 2024
Date of Decision : 02.05.2024

Gram Panchayat FaijalipurPetitioner

VERSUS

Roshan Lal and OthersRespondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Talim Hussain, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed impugning the order dated 13.07.2017 passed by the First Appellate Court. It is apt to note that the present revision petition has been filed on 31.01.2024 that is after about six and a half years of passing of the impugned order.
2. The brief facts relevant to the present case are that the suit was filed by the plaintiff-respondent Nos.1 and 2 for declaration to the effect that BPL list issued by the defendants for allotting plots to the socially and economically backward persons of village Faiz Alipur was nonest and non-operative being against the principles of natural justice and further prayed for injuncting the defendants from allocating the aforesaid plots to the non-deserving individuals as also for mandatory injunction directing the defendants to incorporate the names of the plaintiff-respondent Nos.1 and 2 in the aforesaid list. The said suit was decreed vide judgment and decree

dated 06.08.2015. For 11 months the defendant-petitioner (Gram Panchayat) chose not to challenge the said judgment and decree. The appeal before the First Appellate Court was filed after a delay of 11 months. In the application for condonation of delay, it was stated that the wife of the plaintiff-respondent was a Panch and that in collusion with the earlier Sarpanch the appeal was not filed on time. On 24.07.2015 the Panchayat was dissolved by the Government and in 2016 new Sarpanch was elected and it was only in May 2016 that this fact came to the knowledge of the new Sarpanch when he received an application from the District Development and Panchayat Officer, Narnaul. On 13.07.2017 the appeal was dismissed by the First Appellate Court on the ground of delay. Since 13.07.2017 the defendant-petitioner (Gram Panchayat) chose to keep quiet and not challenge the order. The present revision petition has been filed on 31.01.2024.

3. Learned counsel for the defendant-petitioner would contend that the earlier Sarpanch and wife of the plaintiff-respondent were in cahoots and therefore the appeal was not filed challenging the judgment and decree dated 06.08.2015 passed by the Trial Court and it is after the fresh elections that the present appeal was filed which led to a delay in filing the appeal before the First Appellate Court.

4. Heard.

5. In the present case the appeal was filed before the First Appellate Court after a delay of 11 months for which no cogent reason was given except that no information was given by the earlier Sarpanch. The impugned order of dismissal of the appeal by the First Appellate Court on

the ground of limitation was passed on 13.07.2017 and the present revision petition challenging the said order was filed on 31.01.2024 that is after an inordinate delay of six and a half years. A perusal of the present revision petition reveals that there is not even a whisper explaining the delay as to why the petitioner did not challenge the impugned order from 2017 till January 2024. On a pointed query put by the Court, learned counsel for the defendant-petitioner (Gram Panchayat) is also not in a position to explain the delay except that there was some miscommunication. The said ground is absolutely unacceptable. Though no limitation is prescribed for filing a revision petition under Article 227 of the Constitution, the same should be filed within reasonable time and without unreasonable delay and if there is a delay then that should be duly and satisfactorily explained.

6. In view of the above, I do not find any merits in the present revision and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

02.05.2024

jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO