

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

**RSA No.3088 of 2019 (O&M)
Date of Decision: 23.01.2024**

Nirmala

...Appellant

Versus

Subh Ram & others

...Respondents

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

Present:- Mr. Amit Sharma, Advocate,
for the appellant.

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MEENAKSHI I. MEHTA, J.(ORAL)

CM No.8275-C of 2019

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 880 days in filing the appeal bearing **RSA No.3088 of 2019**, while averring that initially, in October 2015, she had engaged Mr. Mohinder Pal Advocate, through Mr. Raman Advocate (Charkhi Dadri), to file the appeal in this Court but however, both the above-named Advocates, unfortunately, passed away in September and August, 2016 and she came to know about the said facts in November, 2017 and on 06.11.2016 respectively and the brief of the case had been returned to her by the Clerk of her deceased counsel on 15.02.2018 and therefore, the afore-said delay in filing the appeal, is not intentional.

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

3. Learned counsel for the applicant contends that the applicant was not aware of the factum of the death of both her Advocates and therefore, she

couldn't file the appeal within the prescribed period of limitation and thus, the said delay was not intentional and hence, the same deserves to be condoned.

4. However, the above-raised contention does not hold much water because the applicant intended to file an appeal before this Court to assail the judgment and decree as passed by the Lower Appellate Court on 11.08.2015, meaning thereby that the appeal had become time-barred, even prior to the demise of the counsel of the applicant in September 2016. Further, as per her own version, the applicant came to know about the death of both her afore-named counsel in November 2017 and on 06.11.2016 respectively and the brief of the case was returned to her on 15.02.2018 but she has not placed any cogent material on the file to substantiate her above-discussed version.

5. As a sequel to the fore-going discussion, it follows that the afore-said delay in filing the appeal, is an inordinate one and therefore, it does not deserve to be condoned. Resultantly, the application in hand stands dismissed.

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Consequent upon the dismissal of the above-referred application, as moved by the applicant for seeking condonation of the delay in filing the appeal, it becomes explicit that the appeal in hand also deserves dismissal for its being hopelessly time-barred. It being so, the appeal in hand and both the afore-indicated Miscellaneous Applications stand dismissed accordingly.

23.01.2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

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