

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RSA No.607 of 2024 (O&M)
Date of Decision: 13.03.2024

Rameshar Dass
...Appellant
Versus
Gopal Dass & another
...Respondents

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

Present:- Mr. Jagraj Singh Khiva, Advocate,
for the appellant.

* * * *

MEENAKSHI I. MEHTA, J.(ORAL)
CM No.2237-C of 2024

By way of this application, the applicant-appellant-defendant (here-in-after to be referred as ‘the applicant’) has sought condonation of the delay of 806 days in filing the appeal bearing **RSA No.607 of 2024**, while averring that after the judgment and decree, qua the dismissal of his first appeal, were passed by the Lower Appellate Court on 23.09.2019, he could not contact his counsel at Chandigarh well in time, for the purpose of filing the appeal, due to his ill health and the out-break of Pandemic Covid-19 and in the meantime, he had also been implicated in a criminal case and was declared a proclaimed offender therein and thus, the afore-mentioned delay on his part in filing the appeal, is not intentional and hence, it deserves to be condoned.

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

3. As regards the plea of the applicant qua his inability to contact his counsel on account of his illness, it is pertinent to mention here that he has not placed any document/material on the file to substantiate his above-said version.

4. So far as the ground about the out-break of Pandemic Covid-19 is concerned, a bare perusal of the Report of the Dealing Official of this Court, as appended over-leaf the Memo of Parties, makes it explicit that the period of the concession, as extended by Hon'ble Supreme Court on this score, has already been excluded for working out the actual period of delay, i.e 806 days.

5. Lastly, the factum of the applicant having been implicated in the criminal case and his having been declared proclaimed offender therein, can, by no stretch of imagination, be construed to be a cogent and plausible ground at all, to explain the afore-said delay.

6. 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 applicants-appellants in filing the appeal, can safely be termed as an inordinate one and hence, the same does not deserve to be condoned. Resultantly, the application in hand stands dismissed.

RSA No.607 of 2024
CM No.2238-C of 2024 & CM No.2239-C of 2024

Consequent upon the dismissal of the afore-mentioned application, as filed 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 the above-indicated Miscellaneous Applications, stand dismissed accordingly.

13.03.2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No

