

2024:PHHC:039766

**123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-3198-2023 (O&M)
Date of decision: 19.03.2024

Ramautar Aggarwal

...Petitioner

Versus

M/s Hero Honda Motors Ltd. and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Baljinder Singh, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

1. The First Appellate Court has refused to condone the delay in filing the first appeal on the following grounds:-

i) the plaintiff's suit for recovery of the amount was decreed on 19.01.2010 with the following order:-

“On ultimate analysis of my finding recorded on issue No.1 & 2, suit of the plaintiff succeeds and is hereby decreed with costs. A decree for declaration directing the defendants to release all the benefits in respect of the shares in question since the date of issue of letter dated 28.5.2001 by the plaintiff to the defendants company regarding the loss of these shares being their owners. Decree sheet be prepared accordingly. File, after due compliance, be consigned to the recod room.”

ii) The petitioner, thereafter, filed the review application claiming that he is entitled to release all the benefits in respect of the shares in question from 30.09.1987, which was dismissed on 05.09.2016. After a gap of sufficient length of time, the petitioner filed the revision petition in the High Court, which was also withdrawn on 11.05.2022

iii) Thereafter again, the petitioner slept over the matter and filed the appeal only on 21.01.2023.

2. Heard the learned counsel representing the petitioner at length and with his able assistance perused the paperbook.

3. Learned counsel representing the petitioner contends that the petitioner has been litigating bonafidely in various courts and therefore, the impugned order is wrong.

4. This Court has considered the submissions made by the learned counsel representing the petitioner.

5. Ordinarily, the court adopts a pragmatic approach while condoning the delay in filing the first appeal, however, the expression '*sufficient cause*' used in Section 5 of the Limitation Act, 1963 cannot be altogether ignored. In this case, the petitioner has been filing various petitions after a considerable delay. He has been taking the litigation in a casual manner. The decree in his favour was passed on 19.01.2010 and more than 14 years have elapsed.

6. Keeping in view the aforesaid facts, no ground to interfere is made out.

7. Hence, dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

19.03.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE