



RSA-308-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(250)

RSA-308-2023 (O&M)
DATE OF DECISION:- 08.08.2024

DHARMINDER

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Anil Kumar Goyat, Advocate
for the appellant.

Mr. Anil Bansal, DAG, Punjab
for the respondents.

SUVIR SEHGAL, J. (Oral)CM-1145-C-2023 IN/AND RSA-308-2023

1. This application has been filed under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 1718 days in the filing of the regular second appeal.
2. Counsel for the applicant-appellant submits that the delay has been due to the outbreak of the COVID and the financial difficulty faced by the appellant. It has also been argued that the appellant was not aware of the prescribed period of limitation.
3. The prayer has been opposed by the State counsel, who has appeared on advance notice.
4. I have heard counsel for the parties and considered their respective submissions.



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5. The relevant extract of the miscellaneous application, whereby delay has been sought to be condoned, deserves to be noticed and is reproduced hereunder:-

“5. That some delay has been caused in filing the appeal due to the fact that the appellant had no knowledge about the period of limitation and some delay has been caused (sic due) to the COVID-19 situation. Moreover, some delay has been caused due to the financial problem.

6. That the delay in filing is not intentional or deliberate, but due to the aforesaid bonafide reasons.”

6. The reasons given by the appellant and argued before this Court lack substance. The impugned judgment and decree was passed by the learned District Judge, Chandigarh on 08.09.2017 and its certified copy was delivered to the appellant on 18.09.2017. The pandemic broke out in the month of March, 2020. There is no plausible explanation from September, 2017 to March, 2020. In any case, after the COVID period was over, the appeal was presented in the Registry of this Court in August, 2022. Again there is no reason given for this delay. Record shows that the applicant-appellant is a government servant and is a literate person. As such financial issues and ignorance will not give him a sufficient cause to present this appeal belatedly.

7. In ***Sheo Raj Singh (Deceased) through LRs and others Versus Union of India and another, (2023) 10 SCC 531***, Supreme Court has held that Courts should draw a distinction between an “excuse” and “explanation”. An ‘excuse’ is often offered by a person to deny responsibility and consequences, when under attack. It is a sort of a



defensive action and ‘excuse’ would imply that the explanation proffered is believed not to be true. When examined in the light of the judgment of the Supreme Court, this Court is of the view that the reasons given are nothing, but an excuse.

8. It is the evident that the applicant-appellant has failed to offer any sufficient cause for seeking condonation of delay. Application has been filed in a casual manner and the reasons lack bona fide and cannot be accepted.

9. As a consequence, this Court does not find it a fit case to condone the delay and the application for condonation of 1718 days in the filing of the appeal is dismissed.

10. As a result, main appeal is also dismissed, as being barred by time.

11. Pending application(s), if any, stands disposed of.

(SUVIR SEHGAL)
JUDGE

08.08.2024
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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No