

131 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-5425-2023(O&M)
Date of decision :23.01.2024

Shamsher Singh

...Petitioner

Vs.

Ram Gopal and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Nivedita Malik Sharma, Advocate
for the petitioner.

Mr. Akshay Jindal, Advocate
for respondents No. 1 and 2.

ANIL KSHETARPAL, J.

1. The petitioner herein was a defendant in the plaintiff's suit for possession by way of specific performance of the agreement to sell which was decreed on 18.12.2017. The petitioner filed the first appeal alongwith an application for condonation of delay of 04 years and 09 months in filing the appeal. The First Appellate Court has dismissed the application on the ground that the petitioner has failed to furnish sufficient explanation for a colossal delay of 04 years 09 months. Challenging the correctness of the aforesaid order, this revision petition has been filed.

2. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

3. Learned counsel representing the petitioner contends that due to hospitalization and the old age of the petitioner, he could not file the appeal.

On a Court question, the learned counsel representing the petitioner admits that the record of medical treatment of the petitioner is only available upto the year

2019. It is evident that the petitioner came to know of the judgment and decree in February 2020. Thereafter, his son and daughter-in-law filed an objection petition in the execution petition. There is no explanation with respect to the period after February 2020 because the appeal was filed on 29.09.2022.

4. In view of the aforesaid facts, no ground for interference is made out.
5. Hence, dismissed.

23.01.2024

neeraj

Whether speaking/reasoned :
Whether Reportable :

(ANIL KSHETARPAL)

JUDGE

Yes
Yes

No
No