

CRM-A-2857-2019 (O&M)

-1 2024:PHHC:048628

239 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-2857-2019 (O&M)

Date of Decision:08.04.2024

M/s Bedi Enterprises and Anr.

...Appellants

Vs.

Gautam Mahanjan and Others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Ms. Seema Pasricha, Advocate
for the appellants.

N.S.Shekhawat J.

CRM-39065-2019

1. The applicants/appellants have filed the present application under Section 5 of the Limitation Act for condonation of delay of 528 days in filing the present appeal before this Court.

2. Learned counsel for the applicants/appellants vehemently argued that the applicant had undergone a major surgery of Gall Bladder in last years and had developed certain complications in the year 2018. Therefore, he could not contact his counsel for several months. Thereafter, he tried to contact his counsel by visiting at his chamber to know the status of his case, but he could not meet his previous counsel. Even earlier counsel was not available on his phone call also. In November 2019, the appellant/appellant came to know that the said counsel had been preparing for judicial services exams for the last several months and was not visiting the Court. Ultimately, he searched his case file and came to know from the status of the case that the case has already been dismissed on 16.04.2018. After getting the certified copies of the impugned

judgment, he filed the present appeal before this Court without any further delay and in this process, the delay of 528 days had occurred. Thus, learned counsel prayed that the application in filing the present appeal may be condoned.

3. I have heard the learned counsel for the applicants/appellants and perused the record.

4. In the present case, it has been argued that the applicant/ appellant had undergone a surgery for Gall Bladder. However, no medical evidence has been filed to substantiate the said plea. Even the application is silent with regard to any complication suffered by the applicant in the year 2018 and the averments in this regard are completely vague and without any basis. Even the complaint was filed in the year 2014, which remained pending till 16.04.2018 and the applicant was duly represented by a counsel before the Trial Court. Even the averments made by the applicant in the present application had not been supported by any material evidence in this regard and the plea taken by the applicant is highly unbelievable. Thus, findings no merits, the present application is ordered to be dismissed being hopelessly time barred.

Main case

1. Since the application for condonation of delay in filing the present appeal has been ordered to be dismissed, no separate orders are required to be passed in the main case. The appeal is accordingly, ordered to be dismissed.

08.04.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No