

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RSA No.101 of 2024 (O&M)
Date of Decision: 29.04.2024

Ram Kishor (since deceased) through LR
...Appellant
Versus
Smt. Suman Devi & ors.
...Respondents

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

Present:- Mr. Parveen Kaushik, Advocate,
for the applicant Karan Singh-LR of the appellant.

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MEENAKSHI I. MEHTA, J. (ORAL)
CM No.299-C of 2024

By way of the present application, the above-named applicant -LR of the appellant (here-in-after to be referred as ‘the applicant’) has sought condonation of the delay of 2023 days in filing the accompanying appeal bearing **RSA No.101 of 2024**.

2. I have heard learned counsel for the applicant-LR of the appellant on this application and have also perused the file carefully.
3. Learned counsel for the applicant contends that the appellant, his son and also the grandson, had unfortunately expired and the applicant was not aware of the status or outcome of the litigation between the parties and he came to know about the same, only on the receipt of summons in respect of the Execution Petition and thus, the afore-mentioned delay on his part, in filing the appeal, is not intentional and the same deserves to be condoned.
4. However, the above-raised contentions do not hold any water because it is a matter of record that the Civil Suit filed by respondents No.1 and

2-plaintiffs against respondents No.3 and 4-defendants No.1 and 2 as well as the appellant-defendant No.3 (since deceased) had been dismissed by the trial Court vide the judgment and decree dated 03.05.2016 and the Civil Appeal, as preferred by the plaintiffs against the same, had also been adjudicated/allowed on 15.02.2018 whereas the appellant is stated to have expired on 11.07.2018, meaning thereby that the prescribed period of limitation, i.e 90 days, for filing the appeal before this Court, had lapsed and the appeal had become time-barred even before his death. To add to it, throughout in this application, the applicant has not even whispered about the date of receipt of summons by him regarding the Execution Petition, for the reasons best known to him.

5. As a sequel to the fore-going discussion, it follows that the afore-said delay on the part of the applicant in filing appeal, can safely be termed to be an inordinate one and hence, the same does not deserve to be condoned. It being so, the application in hand, being *sans* any merit, stands dismissed.

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Consequent upon the dismissal of the afore-referred application, as filed by the applicant for seeking condonation of delay in filing the appeal, it becomes explicit that the instant appeal also deserves dismissal for its being hopelessly time-barred. Resultantly, the present Regular Second Appeal and the above-indicated Miscellaneous Application, stand dismissed accordingly.

29.04.2024

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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No