

he was unable to take steps to file first appeal. He submits that after the notice of execution was received, the appellant took steps to file appeal. He further submits that the delay is only of one year and twenty six days; hence, the respondent can be compensated by payment of cost. He thus, submits that the second appeal would require consideration of this court.

3. I have perused the papers of the second appeal. Except for stating that the appellant was addicted to vices of alcohol and he remained away from the house for a longer period, no other reason is stated in the application for condonation of delay of more than a year. It is not the appellant's case that he was unaware about the decree. The first appellate court has refused to condone the delay on the ground that no sufficient cause is shown for the delay. The reason for not taking steps within time is only on the ground of the appellant's addiction to alcohol. Thus, the first appellate court has rightly refused to condone the delay on the ground that sufficient cause is not made out.

4. I do not see any perversity or illegality in the reasons recorded by the first appellate court. For want of any justifiable reason, delay of more than one year cannot be condoned.

5. The second appeal does not raise any substantial question of

law.

6. Hence, the second appeal is dismissed. In view of dismissal of second appeal, the pending interim application is disposed of as infructuous.

(GAURI GODSE, J.)