



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA No.1217 of 2022 (O&M)

Date of Decision : 11.03.2025

Nirmal Singh and another

.....Appellants

Versus

Shiv Kumar through His LRs

.....Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Nikita Garg, Advocate
for the appellants.

Ms. Chahat Goyal, Advocate
for respondent Nos.1(1) to (iv).

PANKAJ JAIN, J.(Oral)

CM No.3999-C-2022

This is an application filed under Section 5 of the Limitation Act, seeking condonation of delay, in filing the appeal.

2. Instant appeal has been preferred with an inordinate delay of 872 days.

3. The applicants/appellants are aggrieved of judgment & decree dated 11.10.2017 passed by Additional District Judge, Sangrur whereby appeal preferred by the appellants against judgment & decree dated 03.09.2015 passed by Additional Civil Judge (Senior Division), Sangrur, was dismissed.



4. The applicant/appellant No.1 claims to be 81 years of age. It has been claimed that he is suffering from various ailments and was not fit to approach this Court within the prescribed period of time. In order to substantiate the ground pleaded for condonation of delay, applicant/appellant relies upon documents placed on record as Annexure P-2 which are medical reports. First report is dated 21.09.2020. The diagnostic report shows that there are few stones in the gall-bladder of applicant/appellant No.1. No other ailment could be seen in the diagnostic/pathological reports placed on record. All the reports are dated 21.09.2020, 14.10.2020 and 18.10.2020.

5. The only explanation offered in the application seeking condonation of delay, reads as under:

“2. That the appellant is suffering from various ailments and diseases and he is a 81 years old aged man and he was not in a fit condition to approach the Hon'ble court within the reasonable time, the appellant due to his unfit condition took some time to arrange the documents relating to the above said appeal.

3. That the medical reports of the year 2019 and 2020 of the appellant is annexed as Annexure P-2 for the perusal of the Hon'ble Court.”

6. On being asked as to whether the appellants are ready to file better affidavit, counsel for the appellants submits that this is the only explanation available.



7. From the perusal of the aforesaid explanation, this Court is of the opinion that the same does not constitute sufficient ground to condone the inordinate delay of more than 872 days.
8. In view of above, the application seeking condonation of delay is ordered to be dismissed.

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1. Keeping in view that the application filed under Section 5 of the Limitation Act seeking condonation of delay of 872 days stands declined, the instant appeal is ordered to be dismissed.
2. Pending application(s), if any, shall also stand disposed off.

March 11, 2025		(Pankaj Jain)
Dpr		Judge
	Whether speaking/reasoned	: Yes/No
	Whether Reportable	: Yes/No