

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****233****RSA-3851-2015 (O&M)****Decided on: 10.11.2025****State of Haryana through Collector, Yamuna Nagar
and another****...Appellant(s)****Vs.****Bhoora and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Naveen Kumar, Addl. Advocate General, Haryana
for the appellants.

Mr. Sanjay Verma, Advocate for the respondent.

NIDHI GUPTA, J.

Defendants No.1 and 2 are in Second Appeal against the judgment of reversal dated 17.04.2010 passed by the learned District Judge, Yamuna Nagar; whereby appeal filed by the plaintiff/respondent No.1 herein against the dismissal of his suit by the learned Trial Court vide judgment and decree dated 21.11.2009, has been allowed; and suit of the plaintiff for declaration as owner in possession of the suit property, has been decreed.

2. Present appeal has been filed with the delay of 1842 days by way of filing CM-9452-C-2015.

3. Learned counsel for the applicant/appellants submits that inordinate and extraordinary delay of 1842 days has occurred due to



procedural delay due to movement of file from 'office to office' and from 'officer to officer'.

4. Heard.

5. The same constitutes no ground to condone the extraordinary and inordinate delay of 1842 days. The Hon'ble Supreme Court in **Office of the Chief Post Master General v. Living Media India Ltd. (SC) : Law Finder Doc Id # 343006** has held as under:-

"B. Limitation Act, 1963, Section 5 - Appeal by state and its instrumentalities - Delay and laches - Sufficient Cause - Condonation of delay - Unless Government bodies, their agencies and instrumentalities have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process - Held :-

- i) The Government departments are under a special obligation to ensure that they perform their duties with diligence and commitment.*
- ii) Condonation of delay is an exception and should not be used as an anticipated benefit for Government departments.*
- iii) The law shelters everyone under the same light and should not be swirled for the benefit of a few."*

6. Further, in another judgment passed by Hon'ble supreme Court in **State of Uttar Pradesh & others v. Sabha Narain & others (SC) : Law Finder Doc Id # 1798611**, it is held as under:-

"3. We have also categorized such kind of cases as "certificate cases" filed with the only object to obtain a quietus from the



Supreme Court on the ground that nothing could be done because the highest Court has dismissed the appeal. The objective is to complete a mere formality and save the skin of the officers who may be in default in following the due process or may have done it deliberately. We have deprecated such practice and process and we do so again. We refuse to grant such certificates and if the Government/public authorities suffer losses, it is time when concerned officers responsible for the same, bear the consequences. The irony, emphasized by us repeatedly, is that no action is ever taken against the officers and if the Court pushes it, some mild warning is all that happens.”

7. Similar view has also been taken in the recent judgment of Hon’ble Supreme Court passed in **Shivamma (Dead) by LRS v. Karnataka Housing Board and others, (SC): Law Finder Doc Id # 2777666, decided on 12.09.2025** has held as follows:-

“262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigation's, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in



appeals under section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.”

8. As such, no ground is made out for condoning inordinate delay of 1842 days. Present application (CM-9452-C-2015) accordingly stands **dismissed**.

9. Even otherwise, no ground is made out to interfere in the judgment dated 17.04.2010 passed by the learned District Judge, Yamuna Nagar as cogent reasons have been given for reversing the judgment and decree dated 21.11.2009 passed by learned Civil Judge (Senior Division), Yamuna Nagar at Jagadhri. It was found that the plaintiff PW1 in his Affidavit Ex.PW1/A has categorically stated that before purchasing the suit land from Pritam Singh and Harbans Singh, he/plaintiff had verified the facts about the ownership of the said land. Asha Rani, Naib Tehsildar (Sales), Yamuna Nagar as DW1 in her Affidavit Ex.DW1/A had not refuted the statement of the plaintiff about his inquiries regarding ownership and possession of his predecessors i.e. defendants No.3 and 4. DW1 in her cross-examination has also admitted that due to Report No. 171, LR of Bodh Raj had become owners in possession of the suit land and they had sold the same to defendants No. 3 and 4 to whom possession of suit land was also given. DW1 has also admitted that plaintiff became owner on the basis of Sale Deed Executed in his favour by defendants No.3 and 4. Thus, plaintiff cannot be said to be encroacher upon the public property as he had come into the suit land on the basis of Sale Deed Ex.P2 in his favour executed by defendants No. 3 and 4. Even in revenue record, defendants

No. 3 and 4 were clearly shown to be owners in possession of the suit land. No doubt, subsequently, it was found that the predecessor-in-interest of the defendants No.3 and 4 were not legal allottees of the suit land. However, plaintiff was found to be bonafide purchaser of the suit land for consideration. As such, plaintiff was protected by Section 41 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954.

10. Accordingly, present Second Appeal is **dismissed** on the grounds of delay as well as on **merits**.

11. Pending applications, if any, stand(s) disposed of.

10.11.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

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