Kali Ram versus Smt. Kamla Devi

CMP(M) No.1808 of 2026

05.11.2026 Present: Ms. Dhanvanti Devi, Advocate, for the applicant/appellant.

By way of this application, a prayer has been made for condonation of delay in filing the appeal. As per the report of the Registry, the petition is barred by 306 days.

Learned counsel for the applicant referred to the averments made in the application to justify the delay. Paras 2 to 4 of the application are reproduced herein:-

> "2. That the applicant/appellant was though aware about the impugned order but since he is a daily wage labourer and further, applicant/appellant was under considerable financial and mental hardship. The applicant/appellant was unable to arrange the requisite funds and obtain proper legal advice for challenging the impugned order. Applicant/appellant. being a person of limited means, was also dependent upon others for arranging the expenses connected with the litigation.
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> 3. That the applicant/ appellant was also not fully conversant with the legal remedy available to him and the limitation applicable for filing the appeal. The applicant/appellant after making the arrangement of requisite funds met with the present counsel at Shimla on 28.09.2026 and show her the entire case file. Present counsel after going through the record advised the applicant/ appellant to challenge the impugned order. After obtaining proper legal advice from the present counsel and understanding the legal consequences of the impugned order, the applicant/appellant immediately requested the counsel to prepare and institute the present appeal. The counsel thereafter on the same day

prepare the appeal and filed the same without any further delay.

4. That the delay occurred due to a combination of financial difficulties, lack of proper legal advice and unavoidable personal circumstances, and not on account of any negligence, malafide intention or deliberate disregard of the process of law. The applicant/appellant has approached this Hon'ble Court immediately after arrangement of funds and obtaining proper legal advice and has taken all necessary steps for filing the present appeal. There is no deliberate or willful delay on the part of the appellant."

A perusal of the averments made in paras 2 to 4 of the application demonstrates that these are just cliche averments which are contained in every other case filed for condonation of delay and in fact, no cogent reasons are setup by the applicant as to why the applicant could not approach the Court against the order in issue either within the period of limitation or within some reasonable time gap.

In the light of the above observations as we are not convinced that case has been made for condonation of inordinate delay of 306 days in filing the appeal, the application is dismissed, so also the accompanying petition.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

November 05, 2026
(yogesh)